

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-143 of 2017

Date of Decision: April 24, 2017

Sandeep (Sandeep @ MLA)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Surinder Singh Dhuan, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that on 10.03.2016 when the complainant Ram Mehar, a driver of truck trolley No.HR-55K-8999 has parked his vehicle in the area of Murthal to recharge his mobile, one person on the pretext of a lift entered the vehicle and, thereafter, being a night time poured into the mouth of the complainant some substance, as a consequence of which he became unconscious and subsequently when the complainant gained consciousness he found that his truck carrying 640 bags, each containing 25 Kg plastic granules/dana was empty and the same has been taken away in car bearing No.DL-13CA-2301 owned by the petitioner and which was subsequently recovered by the Police on the disclosure statement of the accused side. The contentions of the learned counsel for the petitioner

that initially no role to the petitioner or as to the involvement of his car has been attributed and it is subsequently and belatedly the same has been propped up and that nothing is to be recovered from the petitioner as the investigations have already been completed and that he has been falsely implicated. Learned counsel for the petitioner has made statement that as per instructions received by him the car in question was owned by the petitioner and as per agreement and affidavit the registered owner belongs to Delhi.

The bail application is sought to be opposed by learned State counsel on the grounds that significant evidence have come up in the investigations and the fact that a definite role has been attributed to the petitioner who remained in the background and it was in his vehicle the entire goods so taken away were ferried to the place from where they have subsequently recovered and that his custodial interrogation is very much essential.

Appreciating the submissions, keeping in view the allegations of the prosecution, the role of the vehicle admittedly owned by the petitioner in subsequently taking away the goods, the subject matter of this robbery are indicative of the role of the petitioner. It is clear cut case of custodial interrogation to unearth the entire nexus of such a heinous crime which has occurred on the very main G.T. Road of the Capital of the country. More so, investigations are still underway and in view of the heinousness of the allegations and the fact as has been contended it is very much essential to have custodial interrogation of the petitioner. More so, provisions of Section 438 Cr.P.C are to be sparingly used no ground to

grant bail to the petitioner is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

April 24, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No