

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

**Criminal Misc. No.M-20432 of 2017 (O&M)
Date of Decision: November 10, 2017**

Rishwan

.....PETITIONER(s).

VERSUS

UT of Chandigarh.

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Devender Arya, Advocate
for the petitioner (s).

Mr. Gautam Dutt, APP for UT Chandigarh.

SURINDER GUPTA, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.197 dated 13.08.2014 registered for the offence punishable under Section 407 of Indian Penal Code, at Police Station Sector-26, Chandigarh.

Heard.

Learned State counsel submits that as per the allegations of the complainant, a truck bearing registration No.HR-68A-7812 was hired for carrying apple boxes from Chandigarh to Banaras and the freight of ₹32,000/- was settled. The petitioner was driver on that truck. The vehicle had to arrive at Delhi on 24.03.2014 by morning time and on the next day at Banaras. The merchant of Banaras informed that apple loaded truck had not reached there. Thereafter, attempts were made to contact the petitioner but

he was found missing alongwith truck and consignment of apple. Truck was

later recovered by police, but petitioner had absconded. After joining him in the investigation under order dated 10.11.2017 passed in this petition, he has admitted that he was driver on the truck and had gone to Nepal after the incident. He never intimated complainant or transporter about the theft of the truck with apple boxes. He has now sought anticipatory bail after more than 3 years of the incident when the proceedings declaring him proclaimed offender were initiated.

Learned counsel for the petitioner submits that after lapse of 3 years the apple boxes cannot be recovered from the petitioner who has joined the investigation. The truck has already been recovered. The petitioner is ready to face trial and no purpose will be served by taking him in custody.

It is a case where the truck was hired by complainant for transporting the apple which has gone missing. No explanation has come from the side of petitioner who was driver of the truck, as to how truck along with boxes of apple had gone missing and his going to Nepal without informing the owner of the truck or transporter.

Keeping in view the facts of the case, I am of the view that the custodial interrogation of petitioner is required. It is not a fit case to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits.

Dismissed.

November 10, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**