

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

CRM-M-36698 of 2017

Date of Decision: December 07, 2017

Manjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Manjit Singh in this anticipatory bail application under Section 438 Cr.P.C are that on 02.07.2016 the petitioner who happens to be the driver on truck No.CG-04-JA-6273 owned by the complainant/Bhupinder Singh is alleged to be sleeping in the truck and, thereafter, the complainant discovered in the morning that the truck and the petitioner have vanished leading to registration of the present case.

The contentions of the learned counsel for the petitioner that the petitioner was driver on the truck of the complainant but there was no occasion for him to sleep in the truck and there is delay of more than two months in registration of FIR and, thus, prayed grant of bail to the petitioner.

Learned State counsel has sought to oppose the grant of bail to the petitioner on the grounds that it is duly accepted by the petitioner

that he happens to be the driver of truck and was in possession of keys of the truck and that the explanation has been given in the FIR by the complainant spelling out reasons of this delay as he was looking out for the driver and truck.

Appreciating the submissions. It is the admitted stand of the two sides that the petitioner who happens to be the driver on the truck was in possession of keys of the truck and, thus, it is deemed to be in control and possession of the petitioner and he is supposed to give explanation of the same.

Keeping in view that till date petitioner is unable to explain the whereabouts of the truck necessitates his custodial interrogation and in view of the seriousness of the allegations and petitioner being a trustee of the vehicle in question impels this Court to decline this relief to the petitioner which is to be granted in rarest of rare case.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

December 07, 2017

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No