

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40992 of 2016 (O&M)

Date of Decision: 16.02.2017

Rakesh and another

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Pratibha Yadav, Advocate
for the petitioners.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. Abhishek Yadav, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

CRM-5203 of 2017

Application is allowed and affidavit dated 10.01.2017 of Dilbagh Singh son of Dharampal is taken on record subject to just all exceptions.

CRM-M-40992 of 2016

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 267 dated 04.07.2016 registered for the offence punishable under Section 379 of Indian Penal Code, at Police Station Pataudi, District Gurgaon.

Heard.

The dispute relates to theft of bus bearing no. RJ-06-PA-2974. This bus was originally owned by Vijay Kumar, who allegedly sold it to Dharampal on 19.06.2012 and gave his affidavit regarding transfer on 27.11.2012. Thereafter, the bus was not got transferred by the complainant in his name.

As per notice dated 20.07.2016 (Annexure P-5), tax of the bus

amounting to ₹2,00,660/- was not paid. In his affidavit (Annexure P-6), Chhaju Ram father of complainant has stated that they took away the bus as tax was not paid and asked Dharampal to deposit the tax and get possession of the bus.

As per affidavit of Dilbagh Singh son of Dharampal, placed on record, engine of the bus was got replaced by the complainant himself.

All these facts are to be looked into by the police during investigation. The bus is stated to be in possession of the police, as such, custody of petitioners for recovery of the bus is no more required.

Complainant will supply the copy of affidavit of Dilbagh Singh to the Investigating Officer.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 28.11.2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

February 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No