

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

CRM-M-42757 of 2016 (O&M)

Date of decision: 27.03.2017

Rajesh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Malik, Advocate for
Mr. Raje Ram Kaushik, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. J.S. Ghumman, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 138 dated 22.06.2016, registered under Section 407 of IPC, at PS Badhra, District Bhiwani.

It is contended that the petitioner has been falsely implicated in the instant case. The car of the complainant had met with an accident on the way. The petitioner was not driving the vehicle at the relevant time and he being the transporter had given the car to the driver of the transport company for onward transmission to the complainant.

On the other hand, the learned State counsel as well as learned counsel for respondent No.2 oppose the bail application.

Heard.

As per FIR, respondent No.2 is Major in Army. Upon his transfer from Coimbatore to Faridabad, respondent No.2 approached the petitioner for transporting his car on a vehicle. However, the petitioner instead of transporting the car on a vehicle, engaged a driver to deliver it to respondent No.2. The vehicle driven by the driver of the petitioner who met with an accident on the way causing considerable damage to the vehicle. On 01.12.2016, the learned counsel made a statement at bar that the petitioner is ready and willing to compensate the complainant/respondent No.2. However, till date neither any payment has been made nor any proposal has been submitted by the petitioner. Considering the above, no case for bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

27.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No