

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

**Crl. Misc. No.M-16365 of 2018 (O&M)
Date of Decision: May 09, 2018**

Harbhajan Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasraj Singh, Advocate
for the petitioner (s).

Mr. Amandeep S. Gill, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

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.09 dated 16.01.2018 registered for the offences punishable under Section 379 of Indian Penal Code, at Police Station Chabbewal, District Hoshiarpur.

Heard.

As per the allegations of the complainant, he had purchased tractor bearing No.PB-07-AS-4552 from petitioner vide affidavit dated 24.07.2015. There was loan on the tractor, as such, the same could not be transferred in the name of complainant. On 09.10.2017, petitioner Harbhajan Singh took the tractor from the complainant for loan clearance and thereafter, tractor was not returned.

The dispute between the parties appears to be a transaction for purchase of tractor for which the civil remedies are available to the complainant. It is a fact to be seen during investigation as to whether the allegation of theft of tractor is made out.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed. Petitioner Harbhajan Singh is directed to surrender before the police and join investigation within 7 days. In the event of his arrest being required, he shall be released on anticipatory bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him.

It is, however, made clear that in the event of petitioner not surrendering before the Investigating Officer within 7 days, the order allowing bail to him shall stand withdrawn automatically.

May 09, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***