

Sr. No.207

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

-.-

CRM-M-19039 of 2018 (O&M)

Decided on: 20.07.2018

Gurpartap Singh @ Bhattu & Ors.

.....Petitioners

Versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J. (Oral)

Prayer in the present petition is for grant of pre-arrest bail to the petitioners in FIR No. 29, dated 25.02.2018, registered under Section 457/380 IPC at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur, Punjab.

Learned counsel for the petitioners submits that in the present case, FIR has been lodged after 8 months of the alleged tractor going missing. It is further contended that even while reporting the matter to the police the complainant had not named anybody specifically. In the FIR the complainant himself said that earlier he had no doubt against anybody, but now they have come to know that tractor in question was stolen by the present petitioners. Learned counsel further submits that there is nothing to connect the petitioners to the alleged occurrence.

On the other hand learned State counsel ,being instructed by ASI Nandlal, submits that in fact there is a statement made by one – Suvender Singh to the effect that he had seen the petitioner No.1 driving the said tractor in his fields. Thereafter, the entire matter had come to

knowledge. Hence the present proceedings have been initiated. He further submits that there are 07 cases more against petitioner No.1 under NDPS Act.

Learned counsel for the complainant submits that the complaint has been made by the complainant only after coming to know the fact that the petitioners are having that tractor. The tractor in question has not yet been returned to the complainant.

Having heard to counsel for the parties and perusing the record, this Court does not find any justification for granting benefit of anticipatory bail to the petitioners. It has come on record of the investigation that the petitioners have been seen with the tractor in question. Recovery of that tractor is yet to be effected. Vide order dated 17.05.2018, the petitioners were granted interim protection and were asked to join investigation. However, as per learned counsel for the State, petitioners have not joined investigation and recovery is yet to be effected. Therefore, custodial interrogation of the petitioners is imperative in this case.

Dismissed.

20th July, 2018
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[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No