

AT CHANDIGARH

Date of Decision:10.09.2018

....Petitioner

....Respondent

Present:- Mr. Arjun Atri, Advocate

Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The owner of the vehicle was found to be one Tahir son of Roshan and the

registration number of the vehicle was found to be the one which was written on the reverse side of the number plate. When above said Tahir son of Roshan was joined in the investigation, it was revealed by him that the said vehicle was already sold by him to the present petitioner on 27.01.2018 and for that purpose, an affidavit was given by the present petitioner, as having taken possession of the vehicle. Still further, the power of attorney was executed by the above said Tahir in favour of the present petitioner qua the truck recovered by the Police. Therefore, the Police would require the custody of the present petitioner to unearth the real facts involved in the case and to confirm the scope of the offences committed by the present petitioner. It is further contended by Counsel for the State that there are three more cases of similar nature against the present petitioner.

The provision of Section 438 Cr.P.C confer extra-ordinary power upon the Court to ensure that the person, against whom no substantive allegation is there, is not made to suffer any undue incarceration. This Court does not find the present case; to be of the nature requiring interference by the Court in exercise of its extra-ordinary power; as the offence involved in the case is of sensitive and serious nature.. The petitioner is also having three more cases of similar nature against him. In this situation, it would not be appropriate for this Court to preclude the Police from conducting the investigation in its right earnest, by taking the petitioner in custody, if so considered appropriate by them.

Dismissed.

September 10, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No