

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-9266-2018

Date of decision : 26.03.2018

Devender Dahia

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Pratham Sethi, Advocate
for the petitioner.

Mr. Ravi Pratap, AAG, Haryana.

AMOL RATTAN SINGH, J.(ORAL)

On the last date of hearing, i.e. 06.03.2018, learned senior counsel appearing for the petitioner had submitted that as a matter of fact the petitioner has been named by one of the co-accused, on account of professional rivalry that he has with the wife of the petitioner, who is also running a petrol pump.

Today, learned counsel, on query submits that the petrol pump run by the petitioners' wife is at village Rohana, Tehsil Kharkhoda, District Sonapat, whereas the petrol pump belonging to the accused who were apprehended at the spot is in Charkhi Dadri.

An affidavit of the Deputy Superintendent of Police, Headquarter, Charkhi Dadri, has also been filed in Court today by learned State counsel (copy given to learned counsel for the petitioner), giving therein the details of the petitioners' alleged involvement in the selling of

adulterated diesel, the petitioner being an employee of the Food and Supplies Department, his name having been disclosed by those who were found in the truck carrying adulterated diesel.

Obviously the contention with regard to the professional rivalry would be wholly unsubstantiated, in view of the fact that the two petrol pumps are not even anywhere near each other.

Learned counsel for the petitioner further submits that even the truck which has been apprehended does not belong to the petitioner.

That contention is also rejected as the allegation against the petitioner (as per the case of the prosecution) is that he was selling adulterated diesel to petrol pump owners, which would be an allegation to be investigated.

Consequently, without making any comment on the actual involvement or otherwise of the petitioner in the offence that is alleged to have been committed, though learned counsel for the petitioner has submitted that even the report of the FSL has not been received so far, looking at the contents of the affidavit filed by the DSP and also of the FIR, I find no ground to continue with the interim order in favour of the petitioner.

Consequently, the petition is dismissed and the interim order is vacated.

(AMOL RATTAN SINGH)
JUDGE

March 26, 2018.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No