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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14425-2019

Date of Decision : July 25, 2019

Baljit Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Chander Pal Tiwana, Advocate,
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
for respondent-State.

Mr. Surender Pal, Advocate,
for respondent no.4.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure is for issuance of directions to respondent Nos. 2 and 3 to proceed in accordance with law against respondent no. 4 and further direct respondent No. 3 to get recovered the tubewell boring machine, equipment and tools of tubewell boring machine of the petitioner.

2. As per petitioner, Baljit Singh, he and his brother, Chand Ram are owners of M/s Shiv Shakti Submersible Boring and Engineer (for short, "the firm") and the firm is doing the business of installation/repairing of bore/tubewell. In the second week of January, 2019, respondent No. 4 approached the petitioner for installation of submersible handpump at his business place situated at Assand Road, Rajound, District Karnal.

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Petitioner and respondent No. 4 entered into an agreement to install the submersible pump/tubewell for Rs.3000/- per day as labour. Petitioner along with five labourers done the job for 25 days. On 5.3.2019, the petitioner asked for settled amount, but respondent no. 4 told him that the amount would be paid in 2 – 3 days. On the next day, the petitioner alongwith labourers had gone to the site of respondent No. 4 to lift the equipments and tools of his Boring Machine, but respondent No. 4 did not permit them to lift the equipment and tools of boring machine and the details of equipment of boring machine are as under:-

Sr.No.	Items`	Quantity
1	Boring Machine	1
2	Rod (1000 feet)	51
3	Burma	3
4	Machine Tool Set	1
5	Battery	1
6	Wooden spot/slipper	6
7	Cart	1
	Total value of more than Rs.10 Lakh.	

3. However, respondent No.4 did not return the articles, rather threatened to kill the petitioner. The petitioner filed a complaint at Police Station Rajound on 7.3.2019, but respondent no. 3 did not take any action. Then, on 11.3.2019, the petitioner submitted a complaint to Superintendent of Police, Kaithal and also visited personally on many times, but to no effect. As per the petitioner, offence committed by respondent no. 4 is cognizable and the police was bound to register a case, but that has not been done. The petitioner has also placed on file photographs of site showing factual position of the work, boring machine and other equipment and as such, the present petition before the Court.

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4. Notice was given to the respondents.
5. Learned State counsel as well as learned counsel for respondent no. 4 have taken the plea that respondent no. 4 had paid Rs.1.00 Lakh in advance to the petitioner. On 6.3.2019, the petitioner accompanied with one Kuldeep alias Matta and Krishan visited the spot, but they loaded 14 pipes of 5” dia, one submersible motor and 180 lts of mobil oil and committed offence of theft and the matter was reported to the police vide FIR No. 57 dated 26.03.2019 under Sections 34, 379, 506 IPC at Police Station Rajaund. The other facts, as detailed in the petition, were denied by respondent No.4.
6. Having considered the submissions made in the petition and the reply of respondent no.4, the present petition is disposed of with the directions to respondent Nos. 2 and 3 to look into complaint having been made by petitioner, Baljit Singh on 7.3.2019 (Annexure P/2) and 11.03.2019 (Annexure P/3) and take required action if any, as per law.
7. Petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

July 25, 2019
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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes