

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-37879-2018 (O&M)
Date of Decision : 8.1.2019

Baljit Singh

...Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. G.S.Jagpal, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail and ad-interim bail anticipatory bail to the petitioner in case FIR No. 91 dated 21.7.2018 registered under Section 379 of IPC at PS Kot Ise Khan, District Moga.

The allegations against the petitioner are that he was appointed as a driver by the complainant on a trailer truck. At one point of time there was some mechanical problem due to which truck was detached from the trailer but thereafter the petitioner retained the trailer and was not returning the same. On 31.8.2018 the following order was passed :-

Learned counsel for the petitioner states that virtually the dispute between the parties is regarding payment of salary. The petitioner was engaged as a driver with complainant Rajinder Singh. Since the salary

was not paid to the petitioner and the petitioner had asked the complainant to pay the salary, the complainant got the present FIR registered against him. The petitioner has also brought this fact to the notice of Senior Superintendent of Police, Moga.

Notice of motion for 14.11.2018.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

Thereafter, on a subsequent date it was informed by the learned DAG on instructions from the Investigating Officer that the petitioner had admitted that the trailer was with him but he would not return the same. Then the Hon'ble Judge directed the petitioner to remain present in the Court on the next date of hearing. Today, petitioner is present and has stated that actually he had been working with the complainant for the last four years on a salary of Rs. 20000/- per month. The complainant used to pay only Rs. 10000/- to the petitioner and used to say that the remaining Rs.10000/- has been kept with him for the benefit of the petitioner. Then after four years the complainant agreed to sell the trailer to the petitioner for the total consideration of Rs. 9,25,000/- and stated that a sum of Rs. 4,80,000/- was already accumulative with him and the due amount towards the petitioner was about Rs. 4,45,000/-. The petitioner thereafter paid a sum of Rs. 1,50,000/- more and only a sum of Rs. 2,95,000/- odd was remaining to be paid but the complainant lodged false FIR against him. I asked the petitioner that if there is any written evidence of these facts or even a receipt of the money which was paid to the complainant. The petitioner has

stated that neither he has any receipt nor any written evidence. Even today he has categorically refused to return the trailer.

In the circumstances, without commenting on the merit of the case, I do not deem it appropriate to grant the petitioner the concession of anticipatory bail. Consequently, the petition stands dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

8.1.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No