

207
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SANJIV KUMAR SHARMA
2019.11.21 10:29
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authenticity of this document

Date of decision : 20.11.2019

CRM-M-31571-2019

Samun

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M-21073-2019

Hussain Din

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sarfraj Hussain, Advocate
for petitioner in CRM-M-31571-2019.

Mr. Munfaid Khan, Advocate
for petitioner in CRM-M-21073-2019.

Mr. Ashish Sanghi, DAG Haryana.

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HARINDER SINGH SIDHU, J.

This common order shall dispose of CRM-M-31571-2019 and CRM-M-21073-2019, filed by petitioners Samun and Hussain Din as both petitions are arising out of same FIR. For brevity, facts have been taken from CRM-M-31571-2019.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 127, dated 25.4.2018, registered under Sections 381, 120-B, 34 IPC at Police Station Khedki Daula, District Gurugram.

FIR was lodged on the complaint of authorized representative of Amazon Company. It was alleged that one sorting centre of company is situated at Village Navada, District Gurugram. On 16.4.2018, 65 bags and 35 boxes of Amazon Company were to be despatched to Bhiwandi (Maharashtra). The duty of loading was assigned to Samun Jamil (petitioner in CRM-M-31571-2019) and Hussain Din (petitioner

in CRM-M-21073-2019) and other persons. They in collusion with driver Umar Mohammad, who was assigned to carry the luggage, loaded 72 bags instead of 65 bags. After the vehicle left the company premises, 7 excess bags were stolen by petitioners and driver Umar Mohammad by cutting the lock. Remaining 65 bags and 35 boxes were delivered at the destination. On 17.4.2018, in routine checking 7 bags were found to be short and an internal inquiry was done. CCTV footage was seen. Accused were seen loading 72 boxes instead of 65 bags by changing the seal.

The contentions of learned counsel for petitioners are that they are innocent. They have no role. They have been falsely implicated. They loaded 72 boxes as per instructions of supervisor. They never left the company premises.

The learned State counsel states that driver Umar Mohammad in his disclosure statement specifically stated that he was asked by petitioners that they had loaded excess bags and in return thereof, he was paid an amount of Rs. 10000/-.

Vide orders dated 29.8.2019 and 9.7.2019, petitioners were granted interim bail and they were directed to join the investigation. Thereafter, they have joined investigation on more than one occasion. Challan against Umar Mohammad has already been presented in Court.

In view of above, petitions are allowed. Orders dated 29.8.2019, passed in CRM-M-31571-2019 and 9.7.2019, passed in CRM-M-21073-2019, granting interim anticipatory bail to the petitioners, are made absolute. However, petitioners shall join investigation as and when called upon to do so by the Investigating Agency and shall abide by conditions of Section 438 (2) Cr.P.C.

(HARINDER SINGH SIDHU)
JUDGE

20.11.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No