

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-3851 of 2020**

**Date of Decision:-03.02.2020**

Rajneesh @ Sokinder

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Rajesh Duhan, Advocate  
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

**JASGURPREET SINGH PURI J.(Oral)**

Petitioner Rajneesh @ Sokinder has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 77 dated 27.06.2019, under Sections 407, 420 and 120-B IPC, registered at Police Station Shambu, District Patiala.

Learned counsel for the petitioner has submitted that in the present case the allegation against the petitioner being the driver of the truck was that he had to transport 1000 bags of detergent in Nepal and that the consignment did not reach the destination assigned and nor any amount regarding the same was given to the consigner of the goods. He has further submitted that the owner of the truck was also present in the truck and that the liability, if any, was of the truck owner and not of the petitioner who

was only a driver. Learned counsel has further submitted that he had completed his consignment process and that the payment issue, if any, was between persons who had consignment and the owner of the truck and the role which was assigned to the petitioner was only limited with regard to delivery of the goods and nothing else. He has further submitted that the petitioner is in custody since 28.11.2019 and that investigation has already been completed and challan has also been presented. He has further submitted that the owner of the truck, namely, Alim alias Afsar Ali has already been granted concession of bail by the learned trial Court vide order dated 23.10.2019.

*Per contra* learned State counsel on instructions from the investigating officer has stated that in the present case the recovery has not been effected and the matter is serious in nature. He further submits that although the owner of the truck has been enlarged on bail but the petitioner being driver of the truck also owns the liability with regard to the justification for not delivering the goods at the destination assigned.

I have heard learned counsel for the parties and gone through the records.

In the present case it is admitted that owner of the truck is on bail vide order dated 23.10.2019 and the petitioner, who was driver of the truck is in custody since 28.11.2019 and that the investigation of the case is already complete and challan has already been presented to the learned trial Court.

Considering the totality of circumstances of the case and after perusing the record and hearing the learned counsel for the parties, I deem it

appropriate to admit the petitioner on bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

February 03, 2020  
Vijay Asija

( JASGURPREET SINGH PURI )  
JUDGE

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether Reportable        | Yes / No |