

Kuldeep

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner

Mr. Saurabh Mohunta, DAG Haryana

Sudhir Mittal, J. (Oral)**Crl. Misc. No. M-18418 of 2020**

The petitioner seeks grant of anticipatory bail in case FIR No. 408 dated 18.12.2019 registered under Sections 407, 420, 506, 120-B IPC at Police Station Kunjpura, District Karnal, Haryana.

The aforementioned FIR came to be registered because the complainant hired a truck in Karnal for transportation of a consignment of rice worth approximately Rs. 11.38 lacs to Kandla Port in Gujarat, but the said consignment never reached its destination. Subsequently, it has come to light that the truck was stolen and that the owner thereof had registered an earlier FIR on 08.12.2019. The truck, its driver and cleaner have not been located till date. The consignment of rice that was being carried in the truck has also not been traced. The petitioner has been involved in this case on the disclosure statement of co-accused Naveen who has since been granted regular bail.

Learned counsel for the petitioner has submitted that apart from the disclosure statement of co-accused Naveen, there is nothing on record to link the petitioner with the offence. Registration of the FIR dated 08.12.2019 by the owner

of the truck establishes that the truck was stolen by the driver and cleaner in collusion with one Rakesh to whom the owner of the truck had entrusted the same. The petitioner has been unnecessarily involved in this case. If interim bail is granted, the petitioner will join investigation and reveal whatsoever is known to him about the incident.

On an earlier date, the State had been directed to place on record disclosure statement of co-accused Naveen. Consequently, short reply by way of affidavit of Sh. Ram Dutt, HPS, Deputy Superintendent of Police, Gharaunda, Karnal has been filed annexing therewith the disclosure statement. A perusal of the disclosure statement reveals that the petitioner was a friend of Rakesh (person to whom the truck had been entrusted by its owner) and that a conspiracy was entered into to get the truck loaded with rice and misappropriate the consignment. The petitioner had come to Karnal in Fortuner car alongwith his wife. The petitioner off loaded 102 kattas/bags of rice and took them to Bihar for sale. The truck has also been sold.

It, thus, appears that a gang of thieves is operating and the petitioner is a part thereof. They use stolen trucks and book consignments to far off destinations. The consignment is misappropriated en route and the truck is also disposed of. Although disclosure statement of a co-accused is weak evidence, the police needs to investigate on the basis of whatever material is available to it, so as to be able to conclude the investigation satisfactorily. The available evidence as on date is a disclosure of co-accused Naveen from which it appears that the petitioner is deeply involved in the crime. Thus, his custodial interrogation is necessary.

For the aforementioned reasons, I see no ground to grant any concession to the petitioner. The petition is, accordingly, dismissed.

CRM-15931-2020

Exemption sought for is granted. However, this application will again be listed on 11.09.2020 for payment of Court fee and for placing on record original affidavit and Vakalatnama.

July 21, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No