

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

**CRM-M-19060-2020
Date of decision: 08.09.2020**

Jaibir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. B. S. Dhillon, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 448 dated 05.09.2019, registered under Sections 406, 420, 506 of the IPC at Police Station Shahabad, District Kurukshetra.

This petition has been filed with the same grounds which were available to petitioner when his first petition, bearing CRM-M-42171-2019, was dismissed on 28.11.2019 by passing the following order:

“....Brief facts of the case are that complainant Dilpreet Singh made a complaint against the petitioners and other accused that he is the owner of truck bearing registration No. HR-65-A-5156 and the same was sold by him to petitioner Yashbir Singh for a total sale consideration Rs. 19,00,000/- and out of the said amount, Rs. 6,45,000/- was paid to him in cash and it was assured that the balance payment of Rs. 12,55,000/- will be made on or before 06.08.2019 and a cheque was also issued in

this regard. However, when the cheque was dishonoured, the complainant found that in fact he has been cheated as the petitioners, who are real brothers, have not only played fraud with him but also issued a legal notice that the cheque in dispute will not be misused by him.

While issuing notice of motion on 01.10.2019 in CRM-M-42171-2019, petitioner Jaibir Singh, who is real brother of co-accused Yashbir Singh, was directed to join investigation. Thereafter, on 23.10.2019, the Investigating Officer submitted in Court that the truck in question has not been recovered as petitioner Jaibir Singh is not returning the same.

Even today, learned counsel for the petitioners has shown inability of the petitioners to hand over the said truck to the Investigating Officer.

In view of the same, the present petitions are hereby dismissed...”

The only argument raised now is that being brother of main accused Yashbir Singh, the petitioner has falsely been implicated in this case.

Learned State counsel, assisted by learned counsel for the complainant, has stated that till date, none of the accused persons has been arrested and the truck in dispute, which was sold by the complainant, has not been recovered.

In view of the above, without commenting anything on the merits of the case, finding no ground to grant concession of anticipatory bail to the petitioner, the present petition is hereby dismissed.

08.09.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*