

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

CRM-M-22218-2020

Date of decision: 10.08.2020

Krishan Lavari @ Krishan

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

FATEH DEEP SINGH, J.(ORAL)

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. Amit Mehta, Senior DAG, Punjab puts in appearance and accepts notice on behalf of the official respondent-State. Copy supplied.

The facts essential to be reproduced in this first anticipatory bail application under Section 438 Cr.P.C of the accused/petitioner-Krishan Lavari @ Krishan in a case bearing FIR No.156 dated 04.06.2020 under Section 379 of the Indian Penal Code registered at Police Station City Sunam, District Sangrur are as follows:-

The complainant-Harnam Singh @ Rana, owner-cum-

driver of *trolla* bearing No. PB13AR-9467 (10 tyre, Model 2011) claim that as usual he had parked his vehicle on 19.01.2020 at Pandit Filling Station and when he went to get his vehicle the next morning, he found the same missing. It is alleged that subsequently, the matter was brought to the notice of the President of the Truck Union who intervened and the parties tried to settle the dispute which did not materialise and, thereafter, the present case was got registered against the accused-Jaila Singh @ Ganja, Yudhvir Singh @ Yodha, Baljeet Singh and Krishan Lavari, the present petitioner.

Learned counsel for the petitioner *inter alia* contends that there has been an inordinate delay in the registration of the FIR and that neither there is any eye-witness to this nor at this belated stage, any recovery could be effected. The counsel has sought to highlight that the petitioner was not present in the town at the time of the occurrence and, therefore, tried to hide behind the plea of *alibi*.

The learned State counsel has strongly opposed the grant of bail on the grounds that it was on the basis of information, the name of the accused figured out and due to intervention by the local Truck Union, the matter was sought to be compromised and did not materialise, the case was got registered. It is claimed that the petitioner is entitled to custodial interrogation for the recovery of the vehicle.

Be so as it may, keeping in view what is highlighted, this Court feels it expedient in the interest of justice to allow the present

petition and it would be travesty of justice to send the petitioner behind the bars, thus, culpability, if any, shall be determined at the time of trial.

Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). However, if during the course of the same leads to recovery/discovery of any incriminating article, this order of bail would automatically stands vacated and the petitioner would be taken into custody. The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

10.08.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No