

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

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IN VIRTUAL COURT

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CRM-M No. 25397 of 2020

Date of decision : 1.9.2020

Sakruddin

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vimal Kumar Gupta, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 161 dated 13.6.2020, registered under Section 406 IPC, at Police Station Tauru, District Nuh.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Still further, it is submitted that there is no question of invoking Section 406 IPC against the petitioner because the petitioner was never entrusted with the trucks in dispute. The trucks were parked in the parking of the petitioner by the co-accused Anwar Khan. It is only Anwar Khan who has taken away the tyres of the trucks. The petitioner had even tried to stop the said Anwar Khan from taking away the tyres, however, he rebuked the petitioner by observing that he is concerned only with his parking charges and that he (Anwar Khan) could do anything with his trucks. The petitioner had even informed the neighbours about this incident; someone of whom, in turn, had informed the complainant, who is the real owner of the trucks. Therefore, instead of being an accused, the petitioner is an

eye witness to the incident. There is no other case against the petitioner.

Notice of motion.

Mr. R.S. Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

It is submitted by the counsel for the State, being instructed by SI Rohtash, that the name of the petitioner has specifically been mentioned in the FIR. Still further, it is submitted that since the trucks were parked in the parking of the petitioner, therefore, it is for him to account for the tyres, which have been stolen. However, it is not disputed that even the complainant has named the above said Anwar Khan, who was employed by the complainant as Foreman to look after the said trucks, as the main accused. Even the petitioner claims to be an eye witness to the said Anwar Khan taking away the tyres of the trucks, despite the objection by the petitioner. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

1.9.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No