

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38203-2020 (O&M)
Date of Decision:- 14.12.2020

Jagjit Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pardeep Singh Mirpur, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. G.P.S.Ghuman, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.116, dated 9.2.2020, Police Station Sector 5 Panchkula, District Panchkula, wherein offences under Sections 380 and 454 IPC were deleted and subsequently offence under Section 406 IPC was added.
2. The FIR in question was lodged at the instance of Amrit Pal, wherein it has been alleged that his Audi Car bearing registration No.CH-

01AL-6070 was taken away from his house by Jagjit Singh, Travel Agent, whom he had earlier met in Thailand. It is alleged that after taking the car without his permission he informed him that he will return the same within 1 or 2 days and that in case the complainant desired he will give money. It is alleged that accused Jagjit Singh (petitioner), however, did not either return the car or the money. It is also alleged that an amount of ₹10,000/- apart from his ATM Card and documents were also lying in his car.

3. Learned counsel for the petitioner has submitted that the FIR in question was in fact lodged as a counter blast to the complaint (Annexure P-2), which the petitioner had submitted against the complainant, wherein it is alleged that the complainant had duped the petitioner of huge amount on the pretext of sending Yuvraj Singh abroad. It has been submitted that subsequently since the complainant did not return the amount, he had given his car to compensate him and that in fact during the course of investigation a cancellation report had been prepared but subsequently an offence under Section 406 IPC has been added.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since it is a case where the petitioner apart from committing theft had committed a lurking house trespass and had in fact broken the lock of his house so as to commit the theft no case for grant of bail is made out. It has further been submitted that the complainant had purchased the vehicle in question from one Mandeep Singh for ₹12 lakhs and that Mandeep Singh had

executed an affidavit in favour of the complainant though the vehicle still stands registered in the name of Mandeep Singh. It has further been submitted by the complainant that the offences Sections 380 and 454 IPC have incorrectly been dropped and as such the petitioner does not deserve the concession of bail. Learned State counsel has however, informed that pursuant to interim directions, the petitioner has since joined investigation but his custodial interrogation is required as the car in question has not been recovered so far.

5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR itself would show that the complainant himself has stated that the petitioner after taking the car had himself informed the complainant regarding possession of the car. Such circumstances would rather create some kind of doubt as regards the veracity of the allegations pertaining to theft of car inasmuch as no person stealing a vehicle would himself inform the owner of the vehicle. Upon a specific query made by this Court to the counsel for the petitioner, he admitted the factum of his possession of the car in question and tried to explain that in fact the same had been given to him as a security for return of his amount which the complainant had taken from him. Learned counsel has further stated that the petitioner in any case is willing to return the vehicle in case his amount is returned to him.
7. Keeping in view the aforestated facts wherein it appears that there is some kind of monetary dispute between the parties and while noticing that the petitioner has since joined investigation and is not disputing the possession of his car, the petition is hereby accepted

and the interim directions issued vide order dated 26.11.2020 are hereby made absolute subject to the condition that the petitioner shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

December 14, 2020

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No