

123

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

* * *

CRM-M-44268-2020

Date of Decision: 30.12.2020

Angrej Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anutej Singh Barnala, Advocate for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

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Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petition is for anticipatory bail in FIR No. 123, dated 18th November, 2020 under Sections 420, 406 and 34 of IPC, registered at Police Station Fatehgarh Churian, District Gurdaspur.

The FIR is at the instance of Vijay Kumar who is employee in Krishna Commission Shop. It is stated that on 3rd November, 2020, Inspector of Warehouse purchased paddy crop and report was given to Market Committee, Fatehgarh Churian. After weighing the paddy, 1155 sacks were loaded in the truck bearing registration No. PB-03U-9799. The truck was weighed at Dharam Kanda at about 8:00 P.M. The driver of the truck namely Lakhbir Singh @ Jassi and the petitioner- Angrej Singh who was cleaner in the truck, were asked to wait so that gate pass can be issued to them. The paddy was to reach Deep Rice Mills, Sri Muktsar Sahib. When the complainant came with gate pass, he found that truck along with paddy was missing. Efforts were made at their level to search the truck and to check as to if truck reached the destination, thereafter, the FIR was lodged.

Mr. Anutej Singh Barnala, learned counsel for the petitioner

submits that there is a delay of 15 days in lodging the FIR. It is further submitted that petitioner is not a trained driver and does not possess valid driving licence. He relies upon averment made by Lakhbir Singh @ Jassi in his anticipatory bail before the Additional Sessions Judge that he was not driver of the alleged truck. It is argued that there is possibility that complainant and his employer might have embezzled the paddy.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab submits that there is embezzlement of 1155 sacks of paddy, recovery of the same is to be made and custodial interrogation is required.

The contention with regard to delay in lodging the FIR is not enough ground for grant of anticipatory bail to the petitioner. The aspect of delay and its effect would gone into during the trial. The petitioner not being a trained driver and not possessing a valid driving licence is of no consequence. The allegations are that petitioner was cleaner in the truck, for being a cleaner, there is no requirement that he should be a trained driver or holding driving licence. The reliance on the averments made by the co-accused in his anticipatory bail will not form a foundation at this stage to support the case of anticipatory bail. The co-accused and the petitioner have been specifically named in the FIR. The bald statement that there are chances that complainant or employer themselves might have embezzled the paddy, is a pointer towards the fact that matter deeper probe and requires custodial interrogation, more so, when paddy is to be recovered.

The petition is dismissed.

It is made clear that the above observation is only for the purpose of deciding the petition of anticipatory bail.

(AVNEESH JHINGAN)
JUDGE

30th December, 2020

pankaj baweja

Whether speaking/reasoned	Yes
Whether reportable	Yes