

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

CRM-M-2988-2021

Date of decision: January 27, 2021

Parwinder Singh @ Prince

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Dhaliwal, Advocate for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

Mr. Vineet Chaudhary, Advocate
for the complainant.
(through video conferencing)

ARVIND SINGH SANGWAN J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.02 dated 2.1.2021 under Sections 381/407/420 IPC, registered at Police Station Munak, District Karnal.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Ramandeep Singh, it is stated that he is partner of M/s Manmohan Service Centre, Petrol Pump, Shahabad Markanda. He has employed Satinder as a driver and Balkar as a conductor on his truck bearing registration No.HR-65-A-2349 to bring oil from Panipat depot. For the last four months it was noticed that the quantity of the oil in the tanker was less. On 29.12.2020, he sent Satinder and Balkar on his tanker to bring oil

and the complainant followed them. At 2.00 p.m., he noticed that Satinder, after getting the tanker filled with oil from Panipat depot, drove the tanker to Khan Welding Shop of co-accused Jai Parkash and started committing theft of oil. The complainant saw that Parwinder Singh @ Prince, i.e. the present petitioner, was with him and he had climbed atop of the tanker and was extracting the oil. The complainant made a phone call at No.100. In the meantime, Satinder drove tanker from the back of shop towards front on the road and complainant stopped him and Balkar conductor also reached there on the motorcycle of Parwinder Singh @ Prince (the present petitioner) and told them that the petitioner is an agent of co-accused Jai Parkash. In the meantime, the police came there and the driver and conductor assured that they will make the loss as all the members have formed a gang of committing theft. It is further stated that the vehicle tracking system fitted in the tanker was removed from the vehicle by the petitioner and the *modus operandi* was that when the vehicle came out of the Panipat depot, the petitioner used to sit in the vehicle handover the motorcycle to Balkar conductor, who would follow them to the place where the theft of oil is committed.

Counsel for the petitioner submits that that the petitioner has no connection with the complainant and the truck was in possession of the driver and conductor and the petitioner has been wrongly implicated and no offence under Sections 381/407/420 IPC is made out against the petitioner.

Learned State counsel submits that two of the accused Satinder and Balkar have been granted the concession of regular bail,

whereas Ishwar and Jai Parkash are in custody. Learned State counsel assisted by the counsel for the complainant further submits that it has come during the investigation that the petitioner is the mastermind who used to remove the vehicle tracking system and commit the theft with the help of a master key to open the lock of the tank. Learned State counsel also submits that it has come in the disclosure of co-accused that the master key was with the petitioner and there are number of complainants of similar nature against the other accused also and, therefore, the custodial investigation of the petitioner is required as he may be involved in some other theft cases. Learned State counsel further submits that during the investigation, the police has also added Sections 467, 468 and 471 IPC.

After hearing the counsel for the parties and going through the allegation and also in view of the fact that it is the case of the prosecution that a gang is operating and there are other complaints also of similar incidents of theft and the allegations against the petitioner are that he has prepared a master key, which is to be recovered from him and also in view of the fact that the complainant himself has seen the petitioner committing the theft of oil, I find no ground to grant the concession of anticipatory bail to the petitioner.

Resultantly, the present petition stands dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

January 27, 2021
satish

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No