

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

CRM-M-5277-2021 (O&M)
Date of Decision:- 17.8.2021

Krishan Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumeet Puri, Advocate, for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. J.S.Khiva, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.170, dated 23.12.2020, Police Station Moonak, District Sangrur, under Sections 406, 420 IPC.
2. The FIR was lodged at the instance of Sumanpreet Singh wherein he alleged that he had handed over his truck bearing registration No.PB-

13-AW-1415 to Gurjant Singh in the year 2017 for the purpose of plying the truck and that he had deposited 20/30 installments out of 57 installments, but Gurjant Singh incorrectly informed him on 3.12.2019 that the finance company has seized the truck. It is further alleged that on 4.12.2019 a false complaint was lodged by Gurjant Singh at Police Station Moonak that some unknown persons had stolen the truck. Later when the complainant along with Gurjant Singh tried the search for his vehicle, they were unable to find the same and that later the complainant started suspecting that Gurjant Singh and Kala Singh had misappropriated the same. Subsequently, it was confirmed that Gurjant had sold the vehicle on 9/10 December and he told him that they would get the insurance of the vehicle in question. It is further alleged that Gurjant Singh has even threatened him.

3. Learned counsel for the petitioner has submitted that a perusal of the FIR would show that the entire allegations of alleged misappropriation of the truck in question have been levelled against Gurjant Singh and that the petitioner has been falsely involved by the complainant and in fact he has been named simply to pressurize Gurjant Singh as the petitioner happens to be related to Gurjant Singh being his cousin.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that although the petitioner had joined investigation but in fact it is a case where the substantial portion of the truck is yet to be recovered inasmuch as it

is only the body of the truck which has been got recovered from Gurjant Singh and the engine and other parts have not been recovered so far. Learned State counsel has however, informed that the petitioner has since joined investigation though he is not disclosing as to whom the parts of the truck had been sold by Gurjant Singh. Learned State counsel has however, informed that the petitioner is not involved in any other case.

5. Having regard to the facts and circumstances of the case and while noticing that the main allegations in the FIR are against Gurjant Singh and while also noticing that the petitioner has since joined investigation, his custodial interrogation is not warranted. The petition as such is accepted and the interim directions issued by this Court vide order dated 5.2.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

17.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No