

In virtual Court

CRM-M-6881-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6881-2021 (O&M)
Date of decision: 19.02.2021

Ishwar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.2 dated 02.01.2021 under Sections 381, 407, 420 IPC and Sections 467, 468, 471, 120-B IPC (added later on), registered at Police Station Munak, District Karnal.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Ramandeep Singh, it is stated that he is partner of M/s Manmohan Service Centre, Petrol Pump, Shahabad Markanda. He has employed Satinder as driver and Balkar as conductor on his truck

bearing registration No.HR-65A-2349 to bring oil from Panipat depot. For the last four months, it was noticed that quantity of 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 pm, 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 was with him and he climbed atop of the tanker and was extracting 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 he was stopped. Thereafter, conductor Balkar also reached there on the motorcycle of Parwinder Singh @ Prince and told them that co-accused Parwinder Singh @ Prince is an agent of another co-accused Jai Parkash. In the meantime, the police came there and driver and conductor assured that they will submit the complete details of the gang within two days, who are associated in this theft. It is further stated that the vehicle tracking system fitted in the tanker was removed by co-accused Parwinder Singh @ Prince and modus operandi was that when the vehicle came out of Panipat depot, Parwinder Singh @ Prince used to sit in the vehicle and to hand over the motorcycle to Balkar conductor, who would follow them to the place, where the theft of oil is committed.

Learned counsel for the petitioner further submits that the petitioner has no connection with driver and conductor, as he was an employee

of the workshop. It is further submitted that both driver and conductor i.e. Satinder and Balkar were arrested by the police and on their disclosure statement, name of the petitioner surfaced in the FIR along with co-accused Parwinder Singh @ Prince. It is also submitted that Satinder and Balkar have already been granted the concession of regular bail by the trial Court.

Learned counsel for the petitioner has also submitted that since the petitioner was not servant or employee of the complainant, therefore, it will be a debatable issue during the trial whether ingredients of Sections 381, 407 IPC are made out against the petitioner, as he cannot be held liable for any offence committed jointly with driver and conductor of the truck. It is next submitted that even it will also be a debatable issue whether offence under Sections 467, 468, 471 IPC are made out against the petitioner, as it is only driver and conductor, who were in possession of the vehicle as well as diesel. It is lastly submitted that the petitioner is in custody since 08.01.2021 and is not involved in any other case.

Learned State counsel has filed the custody certificate dated 18.02.2021 in the Court today and could not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions made by learned counsel for the parties and also in view of the fact that it is stated at bar that driver and conductor have already been released on bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to

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furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq
Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

19.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No