

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

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IN VIRTUAL COURT

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**CRM-M No. 20602 of 2021
Date of decision : 24.5.2021**

Harvinder Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sourabh Arora, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 219 dated 18.12.2020, registered under Sections 379 IPC (Section 411 IPC added later on), at Police Station Dhauj, District Faridabad.

The incident involved in this case is that a truck was parked at a petrol station. However, from that place, the vehicle was stolen. During the investigation, accused Sajid @ Kala son of Sadiq resident of Rahedi suffered a disclosure statement in another FIR No. 77 dated 4.2.2021 qua stealing the truck involved in the present FIR. Another accused Altaf was joined in investigation, who suffered the disclosure statement that the truck in question was sold to the present petitioner for an amount of Rs. 7.80 lakhs.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally false. The petitioner has no concern with the alleged crime. The statement of the co-accused is not admissible against the petitioner. Even as per the statement, the vehicle in question is alleged to have been sold to the petitioner for an amount of Rs.7.80 lakhs. However, no such amount has been recovered from the said co-accused.

Notice of motion.

Mr. Rajesh Gaur, Addl. AG, Haryana, accepts notice on behalf of the State and Mr. Bhim Singh, Advocate, has put in appearance on behalf of the complainant.

The counsel for the State, being instructed by ASI Fakaruddin and being assisted by the counsel for the complainant, submit that the name of the petitioner has surfaced during the investigation. The arrested co-accused has specifically disclosed that the truck in question is in custody of the present petitioner because he had purchased the same for an amount of Rs. 7.80 lakhs. The police are to effect recovery of the stolen truck. Therefore, the custodial interrogation of the petitioner is required for effecting recovery, as well as, qua collecting the evidence qua the offence alleged in the present case.

Having considered the arguments of the counsel for the parties, this Court finds that there are specific allegations against the petitioner qua being in possession of the stolen property. The alleged stolen truck is stated to be in custody of the present petitioner. The police are yet to recover the same. Therefore, this Court does not find any ex-facie innocence, vis-a-vis, the allegations levelled against him. Moreover, since the police are yet to recover the stolen vehicle, therefore, granting protecting to the petitioner, at this stage, would impair the free and fair investigation of the case as well.

In view of the above, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

24.5.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No