

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 25935 of 2021
Date of Decision:27.09.2021

JAVED @ JABID

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Afzal Hussain, Advocate
for the petitioner.

Mr.Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through
video-conferencing.

Petitioner seeks grant of anticipatory bail under
Section 438 Cr.P.C in case bearing FIR No.78 dated
27.05.2021 registered under Sections 407/34 IPC at Police
Station Rozka Meo District Nuh (Mewat)

On 08.07.2021, following order was passed by this
Court:-

*“ The case has been taken up for hearing
through video conferencing.*

*Learned counsel for the petitioner contends that
the petitioner was only a cleaner on the truck owned
by the complainant in which consignment was*

brought for Amazon Company from Lucknow to Jamalpur (Gurgaon). In the Jamalpur Warehouse, 135 smart phones were found missing in the shipment. FIR was registered by the owner of the truck. Amazon company did not come forward to lodge any complaint to the police. The shipment was loaded on 11.05.2021 and duly delivered on 12.05.2021 under delivery note of concerned official of Amazon Warehouse, Jamalpur (Gurgaon). When any loss or damage is detected after delivery and the same is reported after departure of the driver, then the same is considered as "concealed" and for a concealed freight claim, the claimant can file concealed damage claim within 05 days. No such claim has been filed by Amazon. The complaint has been filed after a delay of more than 14 days from the delivery of consignment. It has been wrongly alleged that the petitioner is also one of the drivers, but the petitioner has no driving licence and was only working as a cleaner. Ingredients of offence under Section 407 IPC are not attracted as no entrustment of articles was made to the petitioner. A delivery certificate was issued by Amazon Company wherein no remark regarding any shortage or damage was mentioned.

Notice of motion for 27.09.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 14.07.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.”

Learned State counsel, on instructions from HC Naresh Kumar, submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required for further investigation in the case.

In view of statement made by learned State counsel, the interim order dated 08.07.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

27.09.2021

anita

Whether speaking/reasoned Yes/No

Whether reportable Yes/No