

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: *December 16th, 2021*

1.

Criminal Miscellaneous No.M-27833 of 2021

Daljit Singh

..... Petitioner

VERSUS

State of Haryana & another

..... Respondent

. . .

2.

Criminal Miscellaneous No.M-40342 of 2021

Baghel Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

. . .

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

. . .

PRESENT: - Mr. A.P Kaushal, Advocate, for the petitioner in Crl. Misc. No.M-27833 of 2021.

Mr. Shubham Goyal, Advocate, for the petitioner in Crl. Misc. No.M-40342 of 2021.

Mr. Amreek Singh Narwal, Deputy Advocate General, Haryana.

Ms. Priya Sharma, Advocate, for the complainant.

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Sant Parkash, J

This judgment shall dispose of aforementioned two petitions as they arise of same FIR and involve similar questions of law.

The petitioners have preferred the instant petitions for grant of anticipatory bail under Section 438 Cr.P.C. in case FIR No.153 dated 15.06.2021 under Sections 407, 120-B IPC (Sections 468, 471 IPC added lateron), registered at Police Station, Parao, District Ambala.

The FIR has been registered on the basis of statement of complainant – Rajesh Kumar to the effect that the petitioners cheated him and committed criminal breach of trust. Complainant gave them 700 bags of wheat (total 350 Quintal). Petitioner – Daljit Singh impersonated himself as Amarjeet Singh and called one Sunil Kumar (fellow supervisor of complainant) from mobile No.9814625649, and told him that he can use petitioner's vehicles for transport of wheat to the railway track. Thereafter, petitioner Daljit Singh sent his vehicle bearing registration No.RJ-07GC-0331 (Truck) for transportation of wheat. Petitioner – Baghel Singh impersonated himself as Sukhwant Singh (driver of truck). On 14.06.2021, truck was loaded with 700 bags (350 quintal) of wheat of HAFED from grain market Moida and sent to railway track but it did not reach railway track till evening. The whereabouts of petitioners were not traceable, whereupon FIR was registered.

Learned counsel for the petitioners vehemently submit that petitioners are not named in FIR whereas allegations are against Amarjeet Singh and Sukhwant Singh with whom petitioners have no concern. Petitioners are innocent and have been falsely implicated. Petitioners have also no concern with the truck or mobile number used in the commission of crime. Learned counsel submitted that petitioners are ready and willing to join investigation and under these circumstances, no useful purpose would be served by keeping petitioners in custody.

Learned counsel for the State has opposed the prayer made in the petitions while submitting that petitioners impersonated themselves as Amarjeet Singh and Sukhwant Singh being owner and driver of the truck. Petitioners forged the number plate of truck belonging to Suresh Bishnoi who never sent his truck to Ambala for any purpose. Infact, petitioners forged the number plate and affixed on their truck. The mobile number used by petitioner – Daljit Singh, though belongs to Sona Devi but was used by him.

I have heard learned counsel for the parties and perused the record.

Petitioners had been granted ad-interim injunction vide orders dated 25.08.2021 and 28.10.2021, respectively. It has emerged from the status report filed to the petitions that petitioner – Daljit Singh though joined the investigation but did not cooperate with the investigating agency. As regards, petitioner – Baghel Singh, never joined the investigation despite several notices. On these grounds alone, petitioners are not liable to the concession of anticipatory bail. Besides, recovery of 700 bags of wheat is yet to be effected. As such, their custodial interrogation is necessary to unearth the true facts. Moreover, they forged the number plate of truck which belongs to one Suresh Bishnoi. Even the call details of aforementioned mobile number reveal that the petitioners, though reside in District Ferozepur but depict the location of petitioners at Ambala w.e.f. 11.06.2021 to 14.06.2021 which fact has also been admitted by petitioner – Daljit Singh during investigation.

In view of what has been discussed above, both the petitions are hereby dismissed being devoid of any merit. However, anything observed here-in-above shall have no bearing on the merits of the main case.

(Sant Parkash)
Judge

December 16th, 2021
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>