

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

**CRM-M-28548-2020 (O&M)**

**Date of decision: 18.01.2021**

Sanjay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case FIR No. 25 dated 20.02.2020, registered at Police Station Dasuya, District Hoshiarpur, under Sections 407 and 120-B IPC.

On 18.09.2020, this Court passed the following order :-

*“Case is taken up for hearing through video conferencing.*

*Through this petition, the petitioner seeks anticipatory bail in case FIR No. 25 dated 20.02.2020, registered at Police Station Dasuya, District Hoshiarpur, under Sections 407 and 120-B IPC.*

*Learned counsel for the petitioner submits that the present FIR was got registered on the statement of Robin Gerra, stating therein that he approached the petitioner, who is running M/s Sanjay Goods Carrier, Transport Nagar, Jalandhar, and took one truck on rent. The truck was loaded with 365 sacks of paddy measuring 180.28 quintals for transportation from FCI Godown Dasua to FCI, Srinagar. However, the said truck did not reach its destination and went missing on way. The petitioner along with driver and owner of the truck are accused in the present case.*

*Learned counsel for the petitioner points out that the petitioner is merely a commission agent and on earlier occasions also, the petitioner*

*had provided the trucks for transporting the paddy to the godowns in different parts of the country. It is further contended that when the petitioner was informed about missing of the truck, he accompanied the complainant to Srinagar to locate the truck. In the present case, no entrustment of goods was made to the petitioner.*

*At this stage, learned counsel for the petitioner though denies the allegations contained in the FIR, yet he states that the petitioner, in order to show his bona fide, is ready to deposit Rs.3,00,000/- with this Court.*

*Notice of motion.*

*On the asking of this Court, Mr. Harbir Sandhu, AAG Punjab, accepts notice on behalf of the respondent-State and submits that the main allegations are against the petitioner, who is a commission agent and there is no other case against the petitioner.*

*Adjourned to 18.01.2021.*

*Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure, and further subject to the deposit of Rs.3,00,000/-, by way of a demand draft in the name of the Registrar General of this Court within a period of one month.*

*On him doing so, the said amount be deposited in a fixed deposit with the State Bank of India, High Court Branch, fetching the maximum rate of interest.*

*In the event of failure to deposit the aforementioned amount within the stipulated period, ad-interim pre-arrest bail granted to the petitioner shall stand cancelled automatically.*

*The deposit of the amount of Rs. 3,00,000/- shall abide by the final outcome of the bail petition.”.*

Learned counsel for the petitioner states that pursuant to the order dated 18.09.2020 passed by this Court, the petitioner has joined the investigation and also deposited the amount of Rs. 3,00,000/- with the Registry of this Court.

Learned State counsel on instructions from ASI Rajesh Kumar, states that the petitioner has joined the investigation and he is not required for any further investigation.

I have heard the learned counsel for the parties.

As per office report, the petitioner has deposited the amount of Rs. 3,00,000/- with the Registry of this Court in compliance to the order dated 18.09.2020.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 18.09.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**18.01.2021**

*Mangal Singh*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No