

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

**CRM-M-33473-2021 (O & M)
Date of Decision:-02.09.2021**

Shiv Kumar Verma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Jossan, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by SI Krishan Lal.

(Proceedings conducted through Video Conferencing)

GURVINDER SINGH GILL J.(Oral)

Petitioner requests for grant of anticipatory bail in a case registered against him vide FIR No.155 dated 30.7.2021, under Sections 407, 379, 411, 34 IPC, registered at Police Station City, Rupnagar.

The FIR in question was lodged at the instance of Gurnam Singh, Assistant Grade-I, Depot Incharge FCI, Sri Chamkaur Sahib. It is alleged that on 30.7.2021, Government wheat belonging to Warehouse Department was to be transported from Sri Chamkaur Sahib to Special Railway Head at Rupnagar and for the said purpose, trucks from the Transport Union, Sri Chamkaur Sahib had been requisitioned. All the said

trucks which were proceeding from Gobind Rice Mill, Dehar were carrying wheat and in each of the trucks, 360 bags of wheat weighing 50 kilograms each were loaded and were duly checked by Shri Arjit Kumar, Assistant Grade-II. It is alleged that out of the said trucks, one of the truck bearing Registration No.PB-12E-8052 which was driven by an unknown driver, in connivance with one more driver, intentionally strayed towards link road Sukhrampur Tapria with an intention to misappropriate the wheat. The said truck was found parked behind bushes. Upon checking, 100 bags of wheat were found in the said truck. However, the unknown driver escaped from the spot.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case merely on account of the fact that he happens to be the registered owner of the truck whereas he was neither driving the truck at the given time nor was sitting in the truck when the said truck is alleged to have strayed away from the remaining trucks and was found parked near the bushes. It has been submitted that at best it could be the driver of the truck, who could be attributed an intention to misappropriate the wheat bags and that the petitioner cannot be held responsible for any such conduct on the part of the driver.

Opposing the petition, learned State counsel submits that the petitioner, who is owner of the truck in question is not entitled for grant of anticipatory bail and apparently it is the petitioner who had given the truck for misappropriation of wheat bags.

I have considered the rival submissions addressed before this Court.

Having regard to the facts and circumstances of the case, particularly the fact that the petitioner who is registered owner of the truck was not driving the truck and was not even found near the truck when the truck in question was found parked near the bushes, it will certainly be debatable as to whether the petitioner also has a role in the act of misappropriation of the wheat bags or as to whether it was solely the driver who was responsible for the same. In any case since the recovery already stand effected, the petition is accepted and it is ordered that the petitioner, in the event of arrest, shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to furnish all the information in respect of the driver to the Investigating Officer including a copy of his Driving License, which the vehicle owners normally retain at the time of employing any driver.

September 02, 2021
Vijay Asija

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No