

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

Sr. No.210

CRM-M-35905-2021

Date of decision: 11.10.2021

Baljinder Singh @ Balvinder Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anshul Mangla, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Namit Khurana, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No.270 dated 28.10.2020, registered
under Sections 385, 403, 406, 407, 415, 420, 425, 506, 201 and 120-B IPC
at Police Station Chappar, District Yamuna Nagar.

Briefly stated, the case of the prosecution is that the
complainant agreed to sell his truck to co-accused Gurchand; as per the said
agreement Gurchand had paid to the complainant Rs.1,20,000/- and further
was to repay the loan taken by the complainant to purchase the said truck;
the post dated cheques given by Gurchand, for repayment of the loan, on
presentation, were dishonoured; the complainant took repossession of the
truck after which Gurchand got registered a criminal case for theft against
the complainant; the case of theft was investigated and found to be
false; during the investigation of the theft case the police took possession

of the truck which Gurchand got released on superdari; the petitioner who had an Aluminum factory connived with Gurchand to cut the truck in question with the help of welding machines and after converting the same into scrap sold the same to a junk dealer.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the only evidence against the petitioner is the alleged disclosure statement of co-accused Gurchand which has allegedly been made in police custody and thus, not admissible under Section 25 of the Indian Evidence Act, 1872; there is no evidence on record with regard to the petitioner having any Aluminum factory and that primarily the allegations against the petitioner are under Section 201 and 120-B IPC which offences, even if proved are bailable.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is involved in another case of theft in which case he was declared a proclaimed offender; the petitioner, in connivance with co-accused Gurchand, had converted a truck in working condition to scrap so that the complainant could not trace the same and that, in addition to the complainant's statement, there is enough evidence to establish the petitioner's guilt.

Admittedly, the petitioner is facing trial in another case of theft and he is also facing trial for having been declared a proclaimed offender. Thus, while on bail in the aforesaid cases, the petitioner is alleged to have committed the offences in the present FIR.

Further, in the instant case, the petitioner, in connivance with co-accused Gurchand, is alleged to have converted a running truck into scrap and sold the same to junk dealers. Thus, the petitioner is alleged to be

instrumental in attempting to remove every trace of the truck. The allegations against the petitioner are serious. The criminal antecedents of the petitioner are also not good.

Further, amongst other things, the modus operandi adopted by the petitioner and as to whom the truck was sold needs to be gone into. The conspiracy, if any, between the petitioner and Gurchand also needs to be investigated.

In view of the above, this Court is of the opinion that the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

October 11, 2021
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No