

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

205

CRM-M-33959-2020**Date of Decision: 15.02.2021**

Birender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Puja Chopra, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Kartar Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.744 dated 08.12.2019 at Police Station Sector-10, Gurugram, under Sections 406, 420, 506 IPC.
2. At the time of issuance of notice of motion, the following order was passed on 22.10.2020:

“This is a petition under Section 438 Cr.P.C. with request for grant of anticipatory bail in case FIR No.744 dated 8.12.2019 registered under Sections 406, 420, 506 IPC at Police Station Sector 10, Gurugram.

Counsel for the petitioner has contended that the petitioner is transporter by profession and the complainant booked his goods with the petitioner which were to be delivered at Calcutta from Gurugram in February, 2018. Thereafter, on 12.2.2018, he came to know about the missing of the driver and the truck. The truck was found lying stranded in the

area of Rewari on 12.2.2018 but the driver and the goods were missing. Then the petitioner informed Rewari police by dialing number 100 and they reached the spot but failed to take any action. When the petitioner gave a complaint (Annexure P-2) to Delhi police on 15.2.2018 and the police did not take any action, then the petitioner lodged complaint under Section 156 (3) Cr.P.C. in the Court at New Delhi in which status report (Annexure P-3) was submitted. The police reported to the Court that the matter was relating to District Rewari (Haryana). Thereafter, the present FIR was registered at the instance of the complainant. It is further contended that the petitioner joined the investigation and cooperated with the police and handed over the documents relating to driver Satish Kumar and even now, he is ready to cooperate with the police.

Notice of motion.

Mr. Kirpal Singh Thakur, AAG, Haryana, accepts notice on behalf of State of Haryana.

Admittedly, the driver namely Satish Kumar and cleaner Lalit and goods worth Rs.2,64,000/- which were loaded in the truck belonging to the petitioner are still missing. The petitioner has been arraigned as accused in the case being husband of the owner of the truck in question. The petitioner has already shown his bonafide by approaching Rewari Police as well as the Court at New Delhi. The petitioner has already supplied the aadhar number, mobile number and photographs of the driver-Satish Kumar to the police. So, in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/SHO to his satisfaction till the next date of hearing. In the meantime, the petitioner should join the investigation with the police well in time before the next date of hearing and he should obey the conditions as envisaged under Section 438 (2) of Cr.P.C.

Adjourned to 2.12.2020.

The report of the I.O./SHO be also called for that date.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation and furnished the details of Aadhar card and telephone number, but has not furnished the contract of employment of his driver. It has further been submitted that although the address of the driver was traced through the telephone number, but he was not found available at the address and had absconded.
4. I have heard learned counsel for the petitioner and also the learned State counsel.
5. Having regard to the facts of the case and that the petitioner has already joined investigation and has furnished the requisite information, which was available with him as regards the whereabouts of the driver, his custodial interrogation is not required. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

15.02.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No