

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34495-2020 (O&M)
Date of Decision:- 2.11.2021

Dogar Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Garg, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Mandeep Singh Sachdev, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 50 dated 11.3.2020 under Sections 380 and 457 of Indian Penal Code at Police Station Sirhind, District Fatehgarh Sahib.
2. The FIR was lodged at the instance of Yogesh Kumar Aggarwal wherein it has been alleged that his firm M/s Gwalior Enterprises Private Ltd. is lying shut down since the last about 20 years and that in the premises of the said firm some machinery in the shape of crane magnet was lying. It is alleged that on 10.3.2020, the complainant's servant Des Raj telephonically informed him that the crane magnet was missing. The complainant alleges that a few days back he had seen Sewa Ram, Raj Kumar, Sukhraj, Darshan Ram, Arun,

Anmol Sharma, Gurmeet Singh and Baldev Singh near his firm. It is further alleged therein that even on the day of occurrence, the said persons had come in their Mahindra pick-up bearing registration No.PB-19H-9807 and had loaded huge quantity of iron plates in truck bearing Registration No. PB-23K-7978 with the help of a crane bearing registration No. PB-11BK-2239 and that as per the version of his servant Des Raj, the said persons ran away from the spot after leaving their vehicles upon seeing him.

3. The learned counsel for the petitioner has submitted that he was never ever seen at the spot and infact he is not even named in the FIR and has been falsely implicated on account of political rivalry as he had earlier remained a Sarpanch of the village and had also remained a Chairman of the Block Samiti and is presently a Member.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that the petitioner is referred to in the FIR as Gurmeet Singh son of Bhola Singh and that the said Gurmeet Singh is also known as Dogar Singh i.e. the petitioner. It has been submitted that the petitioner is a habitual offender, having been involved in 12 other cases and as such, does not deserve the concession of bail. The learned State counsel has, however, not disputed the fact that the petitioner has earlier been a Sarpanch of the village and also a Chairman of the Block Samiti and even as on date he is Member of the Block Samiti. It has also been informed that pursuant to interim directions, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. The allegations as levelled in the FIR to the effect that the accused had come in a Mahindra pick-up and had loaded huge quantity of iron plates in a truck

with the help of a crane and that merely upon seeing Des Raj they left from the place while leaving their vehicles at the spot, are rather unusual inasmuch as it is not the case that said Des Raj was armed or was accompanied by anybody else. The assertion of the petitioner that it is on account of political rivalry cannot be ruled out as the learned State counsel has confirmed that the petitioner has earlier been a Sarpanch and is presently a member of the Block Samiti. In any case, since the petitioner has already joined investigation, this Court does not find it to be a case warranting custodial interrogation as nothing is to be recovered from the said person since even as per the case of prosecution the accused had ran away from the spot leaving the articles and also their own vehicles at the spot.

7. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 29.10.2020 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.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case and the same have been recorded solely for the purpose of decision of the instant bail petition.

2.11.2021

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No