

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

Sr. No. 206(2)

CRM-M No. 34125 of 2019

Date of decision : 15.12.2021

Daljit Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. L. M. Gulati, Advocate for the petitioner.
Mr. Rahul Mohan, D. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.132 dated 12.02.2019 registered under Sections 379/411/120-B/201 IPC and Section 25 of the Arms Act, 1959 at Police Station City Karnal, district Karnal.

Briefly stated, the case of the prosecution is that the police received information that the petitioner and co-accused Ranbir Singh @ Nanha used to steal trucks and after parking the same at isolated places, sell the articles loaded therein and that one such loaded truck was parked at an isolated place to which place the informer would take the police. Acting on such information the police went with the informer and found a truck parked at the disclosed place. Co-accused Ranbir Singh @ Nanha who was in the truck tried to flee but was nabbed. From his possession one 16 centimeters long knife was recovered. He also could not produce any

registration papers of the truck which was found loaded with 465 bags of rice.

After registration of the afore FIR Ranbir Singh was arrested and his interrogation revealed that it was the petitioner and him who had stolen the aforesaid truck from Amritsar and they were in the process of selling the loaded rice when the police nabbed him. Further investigation revealed that the chassis and engine number of the recovered truck had also been changed by the petitioner and his co-accused. Ranbir Singh further disclosed that the petitioner was also having a pistol with him which he had used at the time of stealing the truck.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; no recovery has been made from the petitioner and that under the interim order passed by this Court, the petitioner has also joined the investigation process.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender having five other criminal cases pending against him which include not only cases of theft but cases under the NDPS Act as also the Arms Act. It is further submitted that the petitioner did not cooperate with the investigating agency as he remained evasive and that there are serious allegations against the petitioner of having stolen a truck at gun point.

In addition to the criminal case in which the petitioner seeks anticipatory bail, he faces the following five criminal cases : -

1. FIR No.26 dated 31.01.2019, under Section 379 IPC,
P. S. City Tarn Taran,

2. FIR No.172 dated 23.07.2019, under Sections 353, 186, 224, 148, 149, 506 IPC, P. S. Kot Khalsa, Amritsar,
3. FIR No.55 dated 28.04.2019, under Section 420 IPC, P. S. Lopoke, Amritsar,
4. FIR No.115 dated 29.07.2017, under Sections 15/18/29 NDPS Act, P. S. S.SOC, Amritsar,
5. FIR No.246 dated 13.12.2018, under Sections 406/408 IPC, P.S. Ismailabad, Kurukshetra.

Thus, the petitioner is not only a habitual offender but has violated the terms of bail on more than one occasion.

In view of the above and because there are serious allegations against the petitioner of having committed theft of a truck at gun point as also that after changing the said truck's engine and chassis number made an attempt to sell the rice bags which were loaded in the same, this Court is of the opinion that he does not deserve to be granted the concession of anticipatory bail especially when, as per the State, the petitioner has not cooperated with the investigation.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

15.12.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No