

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

Sr. No. 206(1)

CRM-M No. 34017 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.246 dated 13.12.2018 registered under Sections 406/408 IPC (Sections 420/419/120-B IPC added later on) at Police Station Ismailabad, district Kurukshetra.

Briefly stated, the case of the prosecution is that Rajinder Kumar filed a complaint with the police that his truck bearing registration No.HR-65A-6951, on which he had got loaded 470 bags of wheat to be transported to Panchkula with Balwinder Singh as its driver and Rajinder Singh as its co-driver, was not traceable. On the basis of afore complaint the FIR in which the petitioner seeks anticipatory bail was registered.

During the course of investigation the police collected call details of the mobile phone numbers of Balwinder Singh and Rajinder

Singh and found several calls on those numbers by one Nishan Singh. On being questioned Nishan Singh revealed that it was the petitioner who had taken the complainant's truck from Ambala. The police raided the petitioner's house but he was not found there. The complainant's truck, with changed number plates, was recovered from Tarn Taran, Punjab. All its tyres and accessories had been removed. Thereafter, Balwinder Singh was arrested, who during the course of his interrogation disclosed that the truck and its accessories/contents had been stolen at the behest of the petitioner and Nishan Singh. In lieu of their cooperation, Balwinder Singh and Rajinder Singh have been given Rs.1,20,000/- by the petitioner. The petitioner had further given them another sum of Rs.2,00,000/- to load liquor in the truck. The wheat in the truck was off loaded and sold by the petitioner. Thereafter, Rajinder Singh was arrested who disclosed events on similar lines as Balwinder Singh. In addition, he disclosed that after unloading the wheat from the truck the petitioner had sold the same to one Ramesh Kumar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no direct evidence against the petitioner as he is sought to be nominated as an accused only on the basis of disclosure statements by co-accused allegedly made by them in police custody which have no evidentiary value; no further recovery is required to be made from the petitioner and that under the interim order passed by this Court the petitioner has not only joined investigation but has also fully cooperated with the investigating agency.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has not cooperated with the investigation as he always remained evasive; the petitioner is a habitual offender having five other criminal cases pending against him which include not only cases of theft but also cases under NDPS Act and the Arms Act; the petitioner is the main culprit in the FIR in question and that his custodial interrogation is required not just because of the seriousness of the offence in question but also to recover the wheat, accessories of the truck as also to find out as to what he did with the liquor which he had loaded in the truck to replace the wheat.

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.132 dated 12.09.2019, under Section 379, 411, 120-B, 201, 395, 473 IPC and Arms Act, P.S. City Karnal.

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 the petitioner is alleged to be the main culprit in the FIR in question as also because recoveries are still to

be made from him, 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