

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.44326 of 2020(O&M)

Date of Decision.11.02.2021

(Heard through VC)

Parvinder Singh @ Kala

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Aman Dhir, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

-.-

JAISHREE THAKUR J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.409 dated 14.09.2020 under Section 379 IPC (Section 411 IPC added later on) registered at Police Station Narnaund, District Hansi (Hisar).

2. Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter and has no role to play, while further submitting that FIR had been registered against unknown persons for having committed theft of a tractor owned by the complainant, which was parked outside his house. It is further argued that the petitioner was not named in the FIR and has been nominated as an accused on the basis of disclosure statement made by one Pawan.

3. Pursuant to notice of motion order, reply has been filed on behalf of the respondent State. Learned counsel appearing for the respondent-State would submit that during investigation regarding theft of tractor on the intervening night of 13/14.09.2020, one Pawan son of Kamal Singh, resident of Biran,

District Bhiwani was arrested on 13.11.2020 and during the course of investigation, the petitioner herein was named as an accused. Pawan disclosed that he along with his friends had stolen other tractors too and had sold them to the petitioner and the same could be recovered from the motor garage belonging to the petitioner. Thereafter, the accused Pawan got the demarcation of the place from where the said tractor was stolen and eventually the tractor and other tractors were recovered from Dabwali. It was contended by counsel for the respondent-State that the tractors had been recovered from Dabwali from the motor garage of the petitioner and therefore, being a part of an organized criminal gang which involved in stealing, selling and purchasing of stolen goods, his custodial interrogation would be required. It is also submitted that the petitioner is a habitual offender and number of cases are already pending against him and he is facing trial under the said FIRs.

4. I have heard learned counsel for the parties and find that no ground for interference is made out. As per the reply filed by the respondent-State, several stolen tractors were found parked in front of the motor garage belonging to the petitioner. Even though counsel for the petitioner would contend that Vicky Motor Garage is a small shop and four vehicles cannot be recovered from it, this Court finds the said argument untenable since the recovery of the stolen tractors was made from the road on which Vicky Motor Garage is located. Counsel for the respondent-State has also categorically stated that the petitioner and his family members reside above the said Motor Garage and therefore, role of the petitioner in selling and purchasing the stolen vehicles cannot be ruled out.

5. In view of the aforesaid facts and circumstances, no ground is made out for concession of anticipatory bail to the petitioner. Resultantly, the instant

petition stands dismissed. Any observations made herein are only for the purpose of deciding the bail application, and not to be taken as a decision on merits.

(JAISHREE THAKUR)
JUDGE

February 11, 2021
Pankaj*

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