

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-44699 of 2019
Date of Decision: 28.7.2021

Mandeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.H.S.Jalal, Advocate
for the petitioner.

Mr.Amar Ashok Pathak, Addl.A.G. Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No. 108 dated 13.07.2019 under Sections 420, 406 IPC registered at Police Station Jaitu, District Faridkot.

On 09.12.2019, while issuing notice of motion, following order was passed:-

“CRM-37250-2019

The application is allowed and Annexure P-3 is taken on record, subject to all just exception.

CRM-M-44699-2019

It is contended by the counsel for the petitioner that earlier the petitioner was granted interim protection by the court below. However, ultimately the anticipatory bail was declined, on the ground that the whereabouts of the truck were not available and that the petitioner was not getting the said truck recovered. Relying upon the enquiry bearing No.137 PC/Reader/S.P.(C) Faridkot dated 12.08.2017, the counsel for the petitioner submits that the said truck was handed over to one Jora Singh s/o Gurcharan Singh, resident of Ludhiana and thereafter, the same was impounded by CIA-I, Focal Point, Ludhiana in a theft case. Hence, the petitioner is no more in possession of the said truck.

Notice of motion for 24.04.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

9 th December, 2019

'raj'

*(RAJBIR SEHRAWAT)
JUDGE"*

Learned counsel for the petitioner, by referring to the police proceedings, submits that Jagdeep Singh had purchased second hand truck/ trolly in the year 2012. In the year 2016, he

felt need of some money and he had availed a loan of Rs.6 lacs from HDB Finance Company against the said truck/ trola. Jagdeep Singh wanted to sell the truck/ trola through brokers K.S.Billa and Ranjeet Singh as they had approached him for that purpose. Jagdeep Singh had disclosed about the loan of Rs.6 lacs over the vehicle, which was calculated as Rs.7,77,000/- including interest at that stage. Ranjeet Singh agreed to pay all the installments pending and also agreed to pay Rs.1,23,000/- in cash. Ranjeet Singh, in fact, paid Rs. 1,23,000/- in cash to complainant Jagdeep Singh. The truck/trola was driven by Ranjit Singh along with broker K.S.Billa from the house of Jagdeep Singh. Later on, during execution of documents, Ranjeet Singh wanted to get the vehicle transferred in the name of his driver Mandeep Singh (petitioner). On 29.06.2016, the truck/ trola was purchased by Mandeep Singh (petitioner) through brokers K.S.Billa and Ranjeet Singh and he undertook to pay the amount of Rs.7,77,000/-, which was pending against the vehicle. Jagdeep Singh gave Special Power of Attorney in the name of Ranjeet Singh. Mandeep Singh (petitioner) did not pay the installments and the Finance Company, in connivance with Ranjeet Singh and broker K.S.Billa, further sold the truck/ trola to Jora Singh. At the time of impounding of the truck/ trola, the same was with

Jora Singh and was impounded by CIA-I, Focal Point, Ludhiana in a theft case.

Learned State counsel, on instructions from ASI Kahan Singh, submits that though the petitioner has joined the investigation, but he has not facilitated the recovery of amount.

In view of aforesaid facts, it would be debatable as to whether the petitioner has ownership over the truck in question or not.

In the aforesaid circumstances, interim order dated 09.12.2019 is made absolute, however, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

July 28, 2021

amandeep

**(RAJ MOHAN SINGH)
JUDGE**

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