

In virtual Court

CRM-M-941-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-941-2020 (O&M)
Date of decision: 12.08.2021

Jagpal Singh @ Pala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jagdeep Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.75 dated 14.02.2019 under Sections 342, 395, 397, 365, 412 IPC and Section 25 of Arms Act, registered at Police Station Rai, District Sonipat.

Learned counsel for the petitioner submits that the FIR was registered on the statement of Rameshwar with the allegations that he owns a truck bearing registration No.RJ-14GE-0599 and has employed Ameen son of Ismail as Helper. On 13.02.2019, he got a booking through Chaudhary Transport Company, Chandpur, of 700 bags of sugar to be transported from Dwaradheesh Sugar Mill, Bundki, Bijnour to Narnaul. After loading the goods, when he reached 2 kms from Haryana border, he got refilled diesel at a petrol

pump and when he had driven the truck about 500 mtrs., one car came in front of the same, in which five persons were sitting with weapons. They stopped the truck and assaulted the complainant and the victim and by keeping them as hostages in the car for two hours and thereafter, they had thrown them in an isolated place and took away the loaded material along with the truck.

The only argument on behalf of the petitioner is that he was not named in the FIR.

Status report by way of affidavit of Deputy Superintendent of Police, HQ, Sonipat is on record. As per this affidavit, it has come during the investigation that co-accused of the petitioner namely Mahipal, Sunil @ Bhima and Sonu were arrested on 28.04.2019 in FIR No.91 of 2019 under Sections 395/365/342 IPC and Section 25 of Arms Act, registered at Police Station Uklana, District Hisar, in which they made a disclosure statement regarding committing of offence in the present case and they also named the petitioner, as one of their accomplice, who was also there, when the offence was committed. It has further come in the disclosure statement that the car was driven by accused Sonu and the pistols were being carried by Sonu and Sunil @ Bhima and out of total sugar bags, they loaded 300 bags in a canter of co-accused Kuldeep and sold the same to roadside drivers and some bags were sold to other persons and the truck, which was snatched, was taken away by co-accused Kuldeep and Kuldeep @ Sagar. It has also come in the disclosure statement that out of the sugar sold by them, they have shared the booty.

Learned State counsel has submitted that the petitioner was declared a proclaimed offender on 03.02.2020 and challan in his absence has

already been filed. It is further submitted that another evidence, which has come against the petitioner, is that he has taken a godown on rent from one Sunil, where the stolen goods and articles were kept.

In reply, learned counsel for the petitioner has submitted that the petitioner has already filed a petition challenging the order declaring him proclaimed offender.

Be whatsoever, considering the fact that on 13.01.2020, while issuing notice of motion, interim relief was not granted to the petitioner, as the reply was awaited, which was filed on 11.02.2020 and in the intervening period, the petitioner was declared proclaimed offender on 03.02.2020; a period of more than 01 year and 07 months has already lapsed and he is well aware of the fact that he is an accused in aforesaid FIR, wherein co-accused were arrested and despite that fact, neither he has moved any application in this petition for grant of interim bail nor surrendered before the trial Court and taking undue benefit of the fact that due to COVID-19 situation, some cases were not taken up, he is absconding from the process of law and also in view of conduct of the petitioner, I find no ground to grant him the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

12.08.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No