

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

CRM-M-27456-2022 (O&M)
Date of Decision:- 19.12.2022

Krishan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Singla, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana,
assisted by HC Lakhwinder.

Mr. Randeep Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 0001 dated 1.1.2022 under Sections 407/120-B IPC (Section 411 IPC added later on) at Police Station Cheeka, District Kaithal (Haryana).
2. The FIR was lodged at the instance of Yusuf Ali wherein he alleged that his truck bearing registration No. HR-64-8825 had been taken away by his Driver Ravinder without his permission and that although the complainant had been trying to contact his Driver on his mobile number 77000-36011 but he could not be contacted and that he apprehends that his Driver Ravinder had sold away his truck.

3. It is further the case of prosecution that said Ravinder was arrested by the police, who during the course of interrogation suffered a disclosure statement on 25.3.2022 to the effect that he and another Driver namely Pardeep @ Sonu had become friends and Sonu introduced him to Suresh and Ishwer and they all started residing together and made a plan to sell the complainant's truck to a scrap dealer and accordingly, one day he took complainant's truck and parked the same in the house of father-in-law of co-accused Suresh. Later Sonu told him that the truck had been sold off to a scrap dealer for ₹2.95 lacs and said Sonu gave him (Ravinder) an amount of ₹15,000/- while promising to pay another ₹15,000/- later.
4. It is further the case of prosecution that Pardeep @ Sonu was also arrested thereafter by the police and who also suffered a disclosure statement on 4.5.2022 to a similar effect. He categorically stated that they had sold off the truck to Krishan, scrap dealer in *Dhanori* for ₹2.95 lacs and had sold the same without tyres and that 10 tyres had been kept in the house of his in-laws and were later taken to his house and were sold off in Patiala. He further disclosed that after selling off the complainant's truck, he had purchased a truck, which was lying parked in Panipat Transport Nagar.
5. On 5.5.2022, said Pardeep @ Sonu suffered another disclosure statement wherein he stated that all the 10 rims of the wheels of the complainant's truck had been sold to Krishan, scrap dealer and that while he had retained two tyres, the remaining 8 tyres had been given to Suresh.
6. The learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been nominated as an accused on the basis of statement of co-accused Ravinder and Pardeep @ Sonu wherein

they stated that they had sold off the truck in question to the petitioner whereas no evidentiary value can be attached to such like disclosure statement.

7. Opposing the petition, the learned State counsel, assisted by counsel for the complainant, has submitted that since the petitioner has been specifically named by the co-accused, who are duly named in the FIR, his complicity is clearly evident. It has been submitted that the petitioner while purchasing the truck in question from the co-accused was fully aware that the truck bearing registration No. HR-64-8825 did not belong to the co-accused and as such, he cannot escape from his liability for having purchased the truck in question and in fact he was part and parcel of the entire racket. The learned State counsel has further informed that the petitioner happens to be involved in following 3 other cases:-

1. FIR No. 114 dated 24.10.2019, under Sections 323, 341, 506, 148/149 registered at P.S. Khanori, District Sangrur
2. FIR No. 30 dated 21.1.2005 under Sections 13(A)/3/67 of the Gambling Act registered at P.S. City Tohana, District Fatehabad.
3. FIR NO. 09 dated 31.1.2016 under Section 411 registered at P.S. Khanori, District Sangrur.

8. The learned State counsel has submitted that since the recovery is yet to be effected, no case for grant of anticipatory bail is made out.

9. This Court has considered the rival submissions.

10. Having regard to the fact that it is a case where the petitioner, who is a scrap dealer is alleged to have purchased a truck, it was expected of the petitioner

to have verified about the ownership of the truck before purchasing the same. The petitioner seems to be a habitual offender, having been involved in 3 other cases previously. In these circumstances, this Court does not find any special case for grant of anticipatory bail.

11. The petition is sans merit and is hereby dismissed.

19.12.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No