

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:29.04.2022

1. CRM-M No.47138 of 2021(O&M)

Inderjeet Singh	 Petitioner
Vs.	
State of Haryana	... Respondent

2. CRM-M No.52167 of 2021(O&M)

Tarun @ Tannu	 Petitioner
Vs.	
State of Haryana	... Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Amit Arora, Advocate
for the petitioner in CRM-M No.47138 of 2021.

Mr. Shokeen Singh Verma, Advocate
for the petitioner in CRM-M No.52167 of 2021.

Mr. Pankaj Mulwani, DAG, Haryana.

RAJ MOHAN SINGH, J.

[1]. Vide this common order, CRM-M No.47138 of 2021
titled Inderjeet Singh Vs. State of Haryana and CRM-M
No.52167 of 2021 titled Tarun @ Tannu Vs. State of Haryana

are being disposed of. Since both the cases have arisen from common FIR, therefore, facts are being culled out from CRM-M No.47138 of 2021.

[2], Petitioner in CRM-M No.47138 of 2021 in his second attempt and petitioner in CRM-M No.52167 of 2021 in his first attempt seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.102 dated 12.06.2020 registered under Section 379 IPC (offences under Sections 379-B, 412, 302, 34 IPC were added later on) at Police Station Dujana, District Jhajjar.

[3]. The FIR was registered at the instance of complainant Rajwant with the allegations that he is running a transport company at Ludhiana. On 09.06.2020, his vehicle bearing No.PB-11AP-9297 was going after loading material from Vardhan Special Steel to Vardhman Special Steel, Gurugram. The truck was being driven by his driver Chulbul Kumar. The said vehicle was loaded with steel and iron. The vehicle was stolen at village Gudha, Tehsil and District Jhajjar. The vehicle was parked in village Gudha and thereafter, it was taken to green place in Jhajjar City. Thereafter, again it was brought to village Gudha. The aforesaid information was collected as per GPS system installed in the vehicle. Complainant passed over this information to another driver of his vehicle. Complainant

suspected some foul play and the person disclosed to him that the vehicle was found parked unattended in village Gudha and the articles were stolen. The FIR was registered against unknown persons.

[4]. During investigation, truck bearing No.PB-11AP-9297 was taken in police possession. On 15.06.2020, accused Tarun @ Tannu was arrested on the basis of secret information and his confessional statement was recorded on 16.06.2020 by the police. According to his confessional statement, one month ago, he along with Inderjit, Gurdev @ Gabaha and Lakhbir Singh in connivance with each other had a conspiracy to commit robbery of the truck loaded with iron rods. On 11.06.2020, he along with Inderjeet , Lakhbir and Gurdev @ Gabaha was going on truck bearing No.PB-10-BJ-6481 belonging to Gurdev from Punjab to Faridabad and when they reached near Diggall Toll Plaza on the bridge over the canal, then one truck bearing No.PB-11-AP-9297 loaded with iron rods was seen going ahead of their truck (PB-10-BJ-6481). They got the said truck stopped. When the driver of that truck alighted from the truck, then Gabaha hit iron rod on his head and thereafter, he and Gurdev @ Gabaha put the driver in their truck and threw him from the bridge at Rohtak Bypass near Jind road. Lakhbir and Inderjeet took the truck loaded with iron rods to village Gudha. Thereafter, he and

Gurdev @ Gabaha in their truck also reached at village Gudha. He arranged a crane and thereafter, near Jhajjar-Rewari road after committing the theft of iron rods, transferred the same into the truck bearing No.PB-10-BJ-6481. Thereafter, he, Gurdev @ Gabaha and Inderjeet took the truck to Balabgarh. Lakhbir dropped the empty truck bearing No.PB-11-AP-9297 at village Gudha and thereafter, Lakhbir also reached at Balabgarh. Thereafter, they all got separated.

[5]. In the aforesaid confessional statement of Tarun @ Tannu, there was involvement of only two trucks i.e. truck bearing No. PB-11-AP-9297 and truck bearing No.PB-10-BJ-6481, in which, all the accused came from Punjab to the place of occurrence.

[6]. As per aforesaid statement, only Gurdev @ Gabaha inflicted iron rod blow on the head of the driver and thereafter, Tarun @ Tannu and Gurdev @ Gabaha put the driver in their truck and threw him from the bridge at Rohtak Bypass near Jind road.

[7]. Evidently, the truck loaded with iron rods was found going ahead of their truck towards Jhajjar. There is no statement of Tarun @ Tannu that they took 'U' turn after putting the driver in their truck and came back towards Rohtak side in order to throw the driver from the bridge at Rohtak Bypass

near Jind road.

[8]. Confessional statement of Inderjeet Singh was also recorded on 17.06.2020 to the effect that on 11.06.2020, Tarun @ Tannu called Lakhbir on a phone and asked him to bring the truck bearing No.PB-10-BJ-6481 to Jhajjar at village Gudha. Inderjeet and Lakhbir after taking the truck from Punjab reached near village Gudha, where truck bearing No.PB-11-AP-9297 was found loaded with iron rods and Tarun and Gurdev @ Gabaha were found standing along with crane. Thereafter, they removed iron rods from truck bearing No.PB-11-AP-9297 into truck bearing No.PB-10-BJ-6481. Inderjeet and Lakhbir took the same to Balabhgarh. Tarun @ Tannu and Gurdev @ Gabaha came on truck bearing No.PB-13-AL-6432 at the place and loaded some of the iron rods into their truck. Gurdev @ Gabaha took the same for selling regarding which only Gurdev @ Gabaha can tell. Thereafter, Tarun @ Tannu also went away from that place. Truck bearing No.PB-10-BJ-6481 and iron rods were recovered accordingly on demarcation by the petitioner Inderjeet. According to this confessional statement, there is a variation in the prosecution story.

[9]. Confessional statement of Tarun @ Tannu was again recorded on 19.06.2020, wherein he made the statement that on 11.06.2020, he and Gurdev @ Gabaha were going from

Punjab to Faridabad on truck bearing No.PB-13-AL-6432. When they reached near the Diggall Toll Plaza, they intercepted one truck bearing No.PB-11-AP-9297 loaded with iron rods. They got it stopped. The driver of the said truck came out. Gurdev @ Gabaha gave an iron rod on his head and after parking his truck on the side, put the driver in their truck and took him at Rohtak Bypass near Jind road and threw him down from the said bridge. Thereafter, they came back. Gurdev @ Gabaha took the truck bearing No.PB-11-AP-9297 and reached village Gudha. Tarun went to Jhajjar on his truck to bring crane. They called Lakhbir and Inderjeet on telephone and asked them to reach village Gudha on truck bearing No.PB-10-BJ-6481. Lakhbir and Inderjeet took the truck to Balabgarh. Tarun @ Tannu and Gurdev @ Gabaha went to Balabgarh on truck bearing No.PB-13-AL-6432.

[10]. Perusal of the aforesaid confessional statements would show that in every confessional statement of the accused persons, there is a variance as regards involvement of number of trucks. The owner of the crane namely Mandeep has been examined. According to the statement of Mandeep, he has seen the accused persons first time in the Court and they are not those persons, who had booked his crane to load iron rods at any point of time.

[11]. Learned State counsel submits that Tarun @ Tannu was arrested on the basis of secret information. After his arrest on 15.06.2020, his disclosure statement was recorded and on the basis of his disclosure statement, other accused persons were arrested. On their demarcation, the case property was recovered.

[12]. Petitioners are in custody since June, 2020. The trial of the case may take sufficient long time as out of total 24 prosecution witnesses, only 4 witnesses have been examined so far. Confessional statements/disclosure statements of the accused persons are at variance. The owner of the crane has not identified any of the accused persons. According to the learned counsel for the petitioner(s), the FIR was lodged against the unknown persons. The complicity of petitioner Inderjeet on the basis of alleged confessional statement/disclosure statement of Tarun @ Tannu would remain debatable as Tarun @ Tannu himself has made disclosure statement on two occasions, giving different versions with regard to involvement of number of truck.

[13]. At this stage, without meaning anything on merits of the case, keeping in view the custody of the petitioners and stage of the trial, I deem it appropriate to enlarge the petitioners on regular bail.

[14]. In view of above, both the petitions are allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

[15]. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

29.04.2022
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No