

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26305-2022

Decided on:-11.05.2023

Kalamjit Kaur

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.S. Jatana, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Vishavjeet Brar, Advocate for
Mr. Deepak Kohli, Advocate,
for the complainant.

HARKESH MANUJA J.(Oral)

1. By way of present petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.0135, dated 16.04.2022, under Sections 406, 407 IPC and Sections 420, 212 and 120-B IPC (added later on), Police Station Ellenabad, District Sirsa.

2. As per the FIR, 712 bags of wheat (358.80 quintals) were loaded in truck bearing PB-11-AH-9425 from Allenabad to Rajkot, Rajasthan on 10.04.2022, but the same never reached its destination. Upon registration of the aforementioned FIR and during investigation, Heera Singh and Amar Singh were arrested by the investigating agency, who named the petitioner

in their disclosures.

3. Learned counsel for the petitioner submits that the entire story as mentioned in FIR is wholly false and fabricated as booking receipt dated 10.04.2022 shows the number of truck as PB-11-BH-9425, whereas, truck number mentioned in FIR is PB-11-AH-9425. He further submits that truck bearing No.PB-11-AH-9425 mentioned in the FIR was impounded by the finance company wayback in the year 2020. He again points out that the investigating agency has now impounded one vehicle bearing number PB-12-N-6076, which has even been released on superdari and thus, there is no question of involvement of vehicle bearing No.PB-11-AH-9425 as mentioned in the FIR. He also submits that on 21.03.2022, the petitioner gave special power of attorney regarding truck bearing No.PB-12-N-6076 to Harpreet Singh, as such, she has nothing to do with the entire incident.

4. On the other hand, learned State counsel assisted by Mr. Vishavjeet Brar, Advocate for the complainant submits that the petitioner is admittedly the owner of the vehicle bearing registration No.PB-12-N-6076, which was ultimately found to be the correct registration number of the truck involved in the present incident with tampered engine number. He further submits that the recovery of 712 bags of wheat is yet to be made. Referring to the antecedents of the petitioner, who is even involved in one another case bearing FIR No.129 dated 01.08.2018, under Sections 420, 406 and 473 IPC, Police Station Sadar, District Mansa, learned State counsel submits that the petitioner does not deserve the concession of pre-arrest bail.

5. I have heard learned counsel for the parties and gone through the paper book. I am unable to find any merit in the submissions made on

behalf of the petitioner.

6. In the present case, the petitioner, who owns truck in question with registration No.PB-12-N-6076 adopted unique method to dupe the complainant by forging the number plates. While booking the wheat for transportation, the truck number given in the receipt was mentioned as PB-11-BH-9425, whereas, at the time when the vehicle was apprehended, the number plate was found with registration No.PB-11-AH-9425. Though, factually the registration number was PB-12-N-6076, which could be reconciled by the investigating agency only. Besides it, the petitioner has produced on record one special power of attorney executed by her in favour of her co-accused Harpreet Singh, which even relates to the truck in question with registration No.PB-12-N-6076, which clearly corroborates direct involvement of the petitioner in the entire incident, forming part of the FIR. It may also be pointed out that the truck in question has been released on superdari in favour of one Harbans Singh, which further complicates the whole scenerio and definitely calls for the custodial interrogation of the petitioner.

7. Thus, considering the nature of allegations and the manner in which the offence has been committed as well as the fact that the grant of benefit of anticipatory bail to the petitioner would hamper the investigation, I do not find it appropriate to grant pre-arrest bail to the petitioner. Accordingly, the present petition is dismissed.

11.05.2023
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(HARKESH MANUJA)
JUDGE

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