

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.216)

CRM-M No. 46980 of 2022

Date of decision : 09.05.2023

Sandeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 557 dated 23.09.2022 registered under Sections 420, 186, 427 and 120-B IPC at Police Station Bhiwani City, District Bhiwani.

(2) On 14.10.2022, this Court had passed the following order : -

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 420, 186, 427 and 120-B IPC, in a case arising out of FIR No. 557, dated 23.09.2022, registered at Police Station Bhiwani City, District Bhiwani.

Learned counsel for the petitioner submits that allegation against the petitioner is of installing a GPS device alongwith Sim Card in government vehicle, bearing

Registration No. HR-06-AJ-0026, to track location of the said vehicle and then to inform in advance to drivers of the overloaded trucks/vehicles to save them from challans.

Learned counsel further submits that there is no basis or connecting evidence with the police against petitioner to establish that said GPS device or Sim Card has been installed by the petitioner, except of the alleged secret information. Learned counsel also submits that same complainant, namely Sonu, Motor Vehicle Officer, had earlier made a complaint with similar allegations, in respect of same government vehicle, against two other persons, namely, Sunil Sharma and Ajeet Singh, resulting into registration of FIR No. 161, dated 15.03.2022, under Sections 120-B, 186, 420 and 427 IPC, at Police Station City Bhiwani, District Bhiwani.

Learned counsel further argues that the reason of involving the petitioner in the present case, has been well explained in paragraph No. 5 of the present petition, which says as under:-

“5. That the real gist behind the registration of FIR was that on 30.8.2022, the above said Sonu motor vehicle officer went to the Hotel of one Rajesh at Tosham-Isharwal road. The said Rajesh and the petitioner are good friends. The said Sonu motor vehicle officer was in drunken condition and caused injury to said Rajesh. The whole incident was recorded in video. The said Rajesh lodged a complaint against Sonu motor vehicle officer. Now the said Sonu motor vehicle officer pressurized the petitioner to ask Rajesh to withdraw the above said complaint which was refused by the petitioner. Thus, the present false FIR has been registered against the petitioner.”

Learned counsel for the petitioner also points out that even otherwise also, as per reply dated 03.10.2022 (Annexure P-2), submitted by the police to the anticipatory bail application filed by the petitioner before learned Additional Sessions Judge, Bhiwani, GPS device and Sim Card of the mobile were not bearing any marka, rather Sim card was not found in working condition. Hence, false case has been planted against the petitioner.

Notice of motion.

Mr. Vikas Bhardwaj, who is present in the Court, accepts notice on behalf of the respondent-State.

Adjourned to 23.02.2023.

In the meanwhile, petitioner is directed to join investigation as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. Petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

(3) Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

(4) After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court dated 14.10.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

09.05.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No