

2023:PHHC:163355

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M-58056-2022
Date of Decision: 19.12.2023

GURJINDER SINGH

....PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Rajvinder Kaur Johal, Advocate for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Ashit Malik, Advocate for respondent Nos. 5 to 7.

HARPREET SINGH BRAR, J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for issuance of direction to official respondents to get the truck of the petitioner recovered from unlawful possession of the private respondents which is in their possession since 15.09.2021.

Learned counsel for the petitioner *inter alia* contends that after registration of FIR No.109 dated 09.04.2022, under Sections 347, 348, 365, 506, 120-B IPC, 1860 registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib yet the truck being case property has not been recovered

Learned counsel for the petitioner further submits that the perusal of Para No.9 of the preliminary submissions of the reply dated 04.02.2023 filed on behalf of respondent Nos. 1 to 4 indicates that local Police is ready to accompany the petitioner for bringing the vehicle Truck Trailer bearing Registration No. PB-23-K-8805, in case he is ready to bear the expenses of petrol/diesel.

Learned counsel for private respondent Nos. 5 to 7 submits that there is dispute between the petitioner and private respondents with regard to the payment to the tune of Rs. 1,60,000/-, as in the consignment which was delivered goods worth Rs.1,60,000/- were missing. Even, the petitioner has filed a civil suit for the recovery of Rs. 12,21,500/- against the private respondents before the Competent Court of Civil jurisdiction at Amloh. He further submits that the truck has not been taken into possession illegally rather the driver of the truck had left the truck on the Nepal Border without delivering the consignment and the private respondents have suffered loss due to late delivery of the consignment. The private respondents are ready to hand over the possession of the truck to the petitioner in case petitioner comes forward.

Keeping in view the facts and circumstances of the case, the present petition is disposed of with a direction to respondent Nos. 1 to 4 to provide police protection to the petitioner to get the truck owned by the petitioner recovered as this would be a case property in the FIR (supra).

Respondent Nos. 5 to 7 would co-operate and provide the possession of the truck in question lying parked at Branch Office of the Company at Raxaul (Bihar) Border.

The present petition is disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.12.2023
pry

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