

2024:PHHC:050693

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

212A **CRM-M-6407-2024**
Date of Decision : **April 15, 2024**

LAKHWINDER SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kamal, Advocate for
Mr. D.S.Virk, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 7.2.2024, the following order
was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.42 dated 15.05.2023, under Sections 379-B, 341, 323 and 506 of the IPC, registered at P.S. City Samana, District Patiala.

2. The learned counsel appearing for the petitioner, in his asking for the relief (supra), has brought the hereinafter recorded factual aspects to the knowledge of this Court:-

(a) The petitioner is the President of Mini Truck/Canter Union, Samana, wherein, a number of vehicles have been enrolled as members;

(b) The object behind constitution of the Union (supra) was to prevent exploitation of truck owners at the hands of factory owners/shopkeepers, and, to ensure payment of uniform freight charges to all members;

(c) As per the routine procedure and practice of the Union (supra), consumers approach them for hiring vehicle(s) for

transportation of their goods;

(d) Based upon demand of the consumers, the Union (supra) allocates the required mini trucks/canters, however, the said allocation is done in a fair manner and turn-wise;

(e) The complainant, in connivance with owner of the disputed truck, violated the roster prepared by the Union (supra) for allocation of trucks, by stealthily and out of its turn loading material on the said truck;

(f) The violation (supra) caused grievance to other members of the Union (supra) and constrained them to restrain the complainant from plying the disputed truck on road, and, the said truck was accordingly brought back to the premises of the Union (supra).

3. *By citing to the above recorded factual aspects, the learned counsel for the petitioner has submitted that no incident of loot or snatching, as alleged in the present FIR has ever occurred. In fact, the dispute, that too owing to violation (supra) on the part of the complainant, is between the members of the Union (supra).*

4. *Notice of motion for 15.04.2024.*

5. *Mr. Digvijay Nagpal, A.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

6. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.*

7. *To be heard with CRM-M-2785-2024.”*

2. Today, the learned State counsel on instructions imparted to him by the official concerned, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 7.2.2024 is,

hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 15, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No