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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40002-2024

Date of Decision:- 18.12.2024

Rahul Sharma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

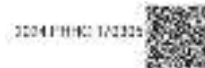
AMARJOT BHATTI, J.

1. Petitioner Rahul Sharma has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.320 dated 17.07.2024, under Sections 127(2), 140(3), 310(2), 61 of BNS, registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. On filing of present anticipatory bail petition, arrest of petitioner was stayed vide order dated 20.08.2024.

3. As per facts of the case, complainant Jagpal alias Kala gave his statement that he was working as driver with Thakral Road Line Transport's Truck No.HR-38-X-8855, Marka Tata 4923 Model 2017 and rear trolley with 22 tyers. He was engaged in Ultratech Cement Factory, Israna Panipat. On 15.07.2024, he loaded the said truck/trolla at 6:30 AM

from Ultratech Cement Factory, Israna Panipat and started for District

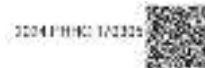


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Yamuna Nagar. At about 10:00 AM, he reached near naka of Kalanaur near Yamuna Nagar and cement was unloaded in another truck. He had his dinner and was cleaning the vehicle with water for going back to Panipat. In the meantime, three vehicles, one Scorpio/Bolero type vehicle, one Swift car with unknown number and a Maruti car bearing No.HR02-V-0615 came and stopped near his vehicle. 10-12 persons came down and caught hold of him. They wanted to take possession of the vehicle to which he resisted. He came to know the name of one of the person as Vaibhav Sharma who was telling his companions to put him in the car. He wanted to talk to the owner of the truck/trolla but by using force, he was put in their car and was taken towards Saharanpur/UP. The said truck/trolla followed him. He was brought in a dhaba where he was confined. On 16.07.2024 in the afternoon, said Vaibhav Sharma and his associates took him near the gate of Police Station Gangoh where one police officer with two stars came, he enquired the matter from him. His signatures were taken on some blank papers. Thereafter, he was allowed to go and was made to sit in a canter going towards Karnal. He reached home in village Shahpur, District Panipat. At about 8:30 PM, he informed the owner Sumit Kumar. Thereafter, the matter was reported to the police.

4. Learned counsel for petitioner argued that petitioner is falsely implicated in this case. In fact, co-accused Vaibhav Sharma is the owner of the said truck/trolla. The vehicle was taken to police station and later on it was released on *sapurdari*. Copy of Registration Certificate standing in the name of Vaibhav Sharma is Annexure P-2 and the application written to Senior Superintendent of Police, Janpad Saharanpur is Annexure P-3.

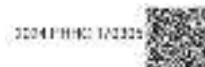


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Without considering the actual facts, his anticipatory bail application was wrongly declined by learned Sessions Judge, Yamuna Nagar vide order dated 29.07.2024 (Annexure P-4). It is pointed out that owner Vaibhav Sharma was having dispute with Indusind Bank from whom the said truck/trolla was got financed. Now they are being falsely implicated in this case. He has already joined the investigation in compliance to previous order dated 20.08.2024. He will abide by the terms of bail order. Therefore, his anticipatory bail petition may be allowed.

5. Bail petition is opposed by learned counsel representing State. Status report has been filed. It is pointed out that in the aforesaid FIR, investigation was carried out. Complainant Jagpal @ Kala was medically examined. Copy of his MLR is Annexure R-1 and opinion of doctor is Annexure R-2. The complainant led the police party where he was confined in a dhaba of Balkar Singh. The identity of present petitioner is confirmed by Balkar Singh owner of said dhaba who was also joined in the investigation. Statement of Balkar Singh is Annexure R-3. Disclosure statement of Rahul is Annexure R-4 and memos regarding identification of spot are Annexure R-6 and R-7. Car used in the alleged occurrence bearing No.HR02-V-0615 has been recovered. Recovery memo is Annexure R-5. Main accused Vaibhav Sharma could not be arrested. However, the truck/trolla was recovered from the area of Police Station Gangoh. Number plate of said truck/trolla was removed and it was painted in order to change its identity. In fact, present petitioner is cousin of main accused. He has joined the investigation on 05.09.2024. The allegations against petitioner are specific and serious in nature. Therefore, he is not entitled to



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be released on bail.

6. I have considered the aforesaid arguments and have gone through the record. Status report clearly indicates that present petitioner has already joined the investigation and fully cooperated during the course of investigation. The documents are already annexed with the status report as referred above. Petitioner is still ready and willing to cooperate as and when required. Therefore, no purpose would be served by sending the petitioner behind the bars. Accordingly, anticipatory bail petition filed by petitioner –Rahul Sharma is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) of BNSS.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

18.12.2024
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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