



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-41282-2024 (O&M)
Date of decision: 27.09.2024

Harjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. Rajdeep Singh Chugh, Advocate
for the complainant. (Through VC)

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of BNSS, 2023 seeking regular bail in case bearing FIR No. 0063, dated 13.05.2024, registered under Sections 408 and 120-B of IPC (Sections 420, 465, 467, 471, 411 and 201 of IPC added later on) at Police Station Moti Nagar, District Police Commissionerate, Ludhiana.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 13.05.2024, complainant Majorjit Singh recorded his statement before the police alleging therein that he was running a transport business in the name and style of New Kuldeep Goods Carrier. On 03.04.2024, iron rods weighing 39.285 tons were got loaded in truck bearing

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registration number PB-10-JJ-8825 and iron rods weighing 39.170 tons were loaded in truck bearing registration number PB-10-JE-7725 from his transport office. These iron rods were worth Rs. 50 Lakhs. Petitioner Harjit Singh and Harvinder Singh respectively were the drivers of the aforesaid trucks. Iron rods were sent to Mega Engineering Infrastructure Ltd. at Kathua, State of Jammu & Kashmir. The complainant had made inquiry from the drivers about the delivery of the iron rods, who informed that delivery had been effected.

3. It was further alleged by the complainant that the aforesaid drivers reached back at Mandi, Gobindgarh on 08.04.2024 and after parking the trucks in godown of the complainant, they had left. Thereafter, the complainant received a telephonic message from Mega Engineering Infrastructure Ltd. that the iron rods, which had been sent for delivery in that company, had not been received. It was also informed that one Sourav, who was employee of the above said company had run away. The complainant came to know that the petitioner and another driver, in connivance with aforesaid Sourav and other persons, had misappropriated the iron rods loaded on his trucks. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 14.05.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court on 09.08.2024 and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 19.07.2024.

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4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The petitioner had no role in the commission of subject offences as he was simply a driver, who was working under the complainant. It is a case of business dispute between the complainant and aforesaid Mega Engineering Infrastructure Ltd., however, on account of some alleged fraud committed by their employees, the present petitioner has been falsely implicated in this case. The petitioner and co-accused had unloaded the material at the scheduled destination and had submitted the necessary documents with regard to unloading of the iron rods to the complainant. Thereafter, the complainant had talked with his son and one Mohan Katwal got loaded some articles in the trucks from Jammu, which were delivered at Mandi Gobindgarh. The said vehicle was equipped with GPS system and a perusal of *challan* would show that the petitioner had initially delivered the material at Kathua as per instructions of the complainant and then he had loaded the further consignment and delivered the same at Mandi Gobindgarh and thereafter parked the truck in the godown of the complainant. The fraud, if any, has been committed by Mohan Katwal along with the employees of the Mega Engineering Infrastructure Ltd., who had asked the petitioner and other driver to unload the material at a place in Kathua, who was nearby to the premises of Mega Engineering Infrastructure Ltd. It is argued that co-accused Tarun Sharma has been granted concession of anticipatory bail by this Court, vide order dated 17.09.2024, passed in **CRM-M-38984-2024**. The petitioner is in custody since 14.05.2024. Investigation has since been completed and challan has been presented in the Court. The conclusion of trial is likely to take some time. It is, therefore, urged that the petition deserves to be allowed.

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5. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious and specific allegations against the petitioner. The complicity of the petitioner in the subject offences has been established during the course of investigation. The petitioner, in connivance with co-accused, had criminally misappropriated the iron rods, which were to be delivered at Mega Engineering Infrastructure Ltd. There are chances of the petitioner's absconding and influencing the witnesses, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

7. As per the allegations, on 03.04.2024, the complainant had loaded iron rods weighing 39.285 kgs. and 39.170 kgs. in his two trucks at his transport for the purpose of delivering the same to Mega Engineering Infrastructure Ltd. at Kathua, State of Jammu & Kashmir. The petitioner was driver on one of the said trucks. However, the consignment was not delivered at the consignee firm. Later on, it was found that some employees of the consignee firm, in connivance with the petitioner and another driver of the complainant, had criminally misappropriated the iron rods. The allegations against the petitioner are serious and specific in nature. The apprehension expressed by learned State counsel that if extended benefit of bail, the petitioner may abscond or influence the witnesses cannot be stated to be unfounded. So far as the argument of learned counsel for the petitioner that

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co-accused Tarun Sharma has been granted concession of anticipatory bail by this Court is concerned, he was neither an employee of the complainant nor the consignee firm and was not entrusted with any property belonging to the complainant. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

27.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No