



CRM-M-47478-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220 CRM-M-47478-2024
Date of decision: 4th November, 2024

Harwinder Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.
(through video conferencing)
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
63	13.05.2024	Moti Nagar, District Police Commissionerate, Ludhiana	408, 120-B of IPC (Sections 420, 465, 467, 471,411 and 201 of IPC added later on)

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



registration No. 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. Co-accused Harjit Singh and present petitioner-Harwinder 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 inquired 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 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 learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 19.07.2024.

4. The present petition has been filed by the petitioner on the

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grounds and it is argued by his counsel that he has been falsely implicated in this case. He being driver of one of the trucks belonging to the complainant had unloaded material at the destination on instructions of the complainant. All necessary documents with regard to unloading of iron rods in the office of Mega Engineering Infrastructure Ltd. had been handed over by him to the complainant. No such iron rods had been misappropriated by him. It was only on instructions of complainant that he had loaded some articles at Jammu and had unloaded the same at Mandi Gobindgarh. He had even deposited the carrier charges with the complainant. He is in custody since 14.05.2024. Investigation has been completed. Trial is likely to take time. No useful purpose would be served by detaining him in custody anymore. The subject offences have not been made out against him. Co-accused Tarun Sharma has been extended benefit of anticipatory bail. Therefore, it is urged that the petition deserves to be allowed.

5. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner. He along with the co-accused Harjeet Singh had loaded 39.170 tons of iron rods on truck bearing No. PB-10-JE-7725 and truck driven by the co-accused which was bearing No. PB-10-JJ-8825. In connivance with the co-accused Harjit, he had sold the material loaded in the truck to the co-accused Rahul Rana, Mohan Katwal, Lokesh Rana and Vikas Kumar and had misappropriated the amount received from the sale of those iron rods. The bail petition of the co-accused Harjit Singh had been dismissed by this Court vide order dated 27.09.2024 in CRM-M-41282-2024. There are chances of



his absconding or influencing the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The bail petition of the co-accused Harjit Singh has already been dismissed on 27.09.2024. 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 and 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 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. The petitioner is alleged to have forged and fabricated documents and on the basis of the same is alleged to have sold the material loaded on the truck belonging to the complainant to



the co-accused thereby causing loss to the tune of Rs. 1,25,00,000/- to the complainant. The complainant is yet to be examined. Keeping in view the nature of the allegations as levelled against the petitioner, I am of the considered opinion that he does not deserve to be extended benefit of bail at this stage. Hence, the petition is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th November, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No