

2025:PHHC:066773



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

**CRM M-11770 of 2025
Date of Decision:12.05.2025**

Sahil		...Petitioner
	Versus	
State of Haryana		... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vikram Rathore, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the B.N.S.S. with a prayer to grant anticipatory bail to him in case FIR No.415 dated 10.09.2024 registered under Sections 316(2) and 318(4) of the BNS at Police Station Chandimandir, District Panchkula.

2. The FIR in the present case was registered on the basis of the complaint filed by Amit Kumar son of Ramesh Dhiman and the same has been reproduced below:-

“Sir, application bearing No.547 dated 25.07.2024 DCP Panchkula, to the Deputy Commissioner of Police, Panchkula, Haryana as follows.

Subject: Complaint against (1) Sahil Kumar (Mobile No.9307)64144) son of Kulwant Singh, Resident of Shahabad, District Kurukshetra, owner/driver of vehicle No.HR-45C-4497. 2) Joginder Kumar (Mobile No.74044-95885, 98176-80752) son of Sh. Sukhwinder Singh, R/o Village Kalsani, District Kurukshetra, conductor/cleaner of vehicle No.HR-45C-4497. 3. Jarnail Singh, Mobile No.9416195154, 99967-95154 owner of Mahadev roadways, Resident of Raipur Rani Road Varwaja, District Panchkula. 4. Mahadev Roadways Raipur Rani Road Barwala, District Panchkula. 5. Pritam Singh owner of Bhullar Goods & Carrier, Shop No.2, Dharam Complex, near Petrol Pump, Raipur Rani Road, Barwala, District Panchkula. 6. Bhullar Goods & Carrier, Shop No.2, Dharam Complex, near Petrol Pump, Raipur Rani Road, Barwala, District Panchkula. 7. Kulwant (father of accused No.1 & 8. Manju Rani Mother of accused No.1) for committing fraud and cheating in a conspired manner and committing embezzlement of Rs.8,26,723/- on account of usurping 740 boxes of eggs and when complainant asked to return the eggs the accused flatly refused to return the same and further threatened to kill the complainant therefore, action be taken against the above stated accused persons.

Sir, it is requested that the complainant Amit Kumar (Aadhar Card No.4397-6437-8939) son of Sh. Ramesh

Dhiman, is R/o Garada, Tehsil Raha, Zilala, Haryana, Mobile No. 7206418182, 9467618182 is resident of the stated address and stating us under:

1. That earlier the complainant was doing private job and thereafter started business of wholesale eggs on the name of Golden Yalk at shop No.5, near Axis Bank, Raipur Rani Road, Barwala, District Panchkula and complainant was new in the field. Accused No.5 & 6 visited the complainant after starting his work; and said that they are running transport on the name of Bhullar Goods Carrier and complainant should transport his eggs/goods of firm through their transportation and they will provide reasonable rate and facilities. That the complainant trusted the words of accused No.5 & 6 and started sending the goods of his firm through transport of accused No.5 & 6 to the customers of complainant. In the beginning the above stated accused had properly delivered the goods and won the trust of complainant.

3. That on 07.07.2024 the complainant contacted the respondent No.5 & 6 to send 910 boxes of eggs from his office Jarsa Eggs Varanasi through their transport. Upon which the accused No.5 & 6 said that they will send the goods of complainant through their vehicle and complainant said yes, but respondents No.1 to 4 reached with their vehicle No.HR-45C-4497 at the office of complainant and said that they have been sent by the accused No.5 & 6 to deliver the eggs at Varanasi after loading the same. Then accused No.5 reached the office of complainant and said that accused No.1 to 4 are also working with his transport and vehicle No.HR-44C-4497 is also being used for a transportation and complainant

need not to worry and the goods of complainant will be delivered. That all the accused assured the complainant and complainant agreed to send his goods/eggs through vehicle of accused No.1 to 4, bearing No.HR-45C-4497 and 910 boxes of eggs amounting Rs. 10,38,652/- were loaded in the above stated vehicle No. HR-45C-4497 to deliver the same at Jarsa Eggs Varanasi. All the accused persons had left the office of the complainant on 07.07.2024 to deliver the goods/eggs at Varanasi.

4. That on 09.07.2024 complainant called on phone of accused No.1 & 2 which was not reachable, thereafter complainant called on the phone number of accused No.4 to 6 i.e. 94669-74300, from his mobile No.7206418182, upon that he said that the above stated vehicle is standing at Shahabad and the goods loaded is more than the capacity therefore, some goods have to be unloaded. Then the complainant went there with his pickup van and unloaded the 60 boxes of eggs and accused No.1 to 4 had left for Varanasi with remaining 850 boxes of eggs.

5. That the accused reached at Jharsa Eggs Varanasi on 12.07.2024 along with the 850 boxes of goods/eggs of complainant and they unloaded 110 boxes at Jharsa Eggs. And thereafter they said that it's raining, therefore the remaining 740 boxes will be unloaded tomorrow and parked their vehicle at their place.

6. That on the next day the owner of the Jharsa Eggs reached at their shop and searched the vehicle No HR-45C-4497 and then came to know that accused persons had gone along with 740 boxes of eggs after closing the

shop of Jharsa Eggs. So, they informed the complainant as well Varanasi Police by dialing at 112. The vehicle of the accused could not be traced by the police. Complainant had tried to contact accused No.1 & 2 by calling on their phone, but phone of both the accused were found switched-off. Accused No.7 Kulwant is the father of the accused No.1 and complainant called him on his phone upon that he started misleading the complainant. That feeling untoward, complainant left for Varanasi and after reaching Varanasi complainant went to police station Bada Gaon, Varanasi, wherein police contacted accused No.1 & 2 and they started misleading the police. So, complainant returned back from Varanasi.

7. That on 16.07.2024 the complainant went to the office of accused No.6 where all the accused were met to the complainant and complainant demanded back his 740 boxes of eggs, then the accused persons started laughing and said that they trapped the complainant and committed cheating of 740 boxes of eggs and they sold the same to some other one @ of Rs.8,00,000/- and there is no question arises to return the same. Thereafter, when complainant said to approach the police in this regard, then all the accused persons threatened the complainant to kill if complainant approached the police. Accused also raised threatening by saying that they are having very high approach even if the complainant moved any complaint same shall not be heard.

8. That complainant is feeling feared after the cheating and went to Barwala Police Station for registering a complaint and told everything to the police, then policeman told the complainant to give a complaint in

short and at the time of hearing, complainant had to tell the total incident. The complainant had given a complaint in short on 16.07.2024 on asking of the police. 9. Despite those police has not taken any action on the complaint of complainant.

10. That the all accused persons in a conspired manner had committed cheating of Rs.8,26,728/- (740 boxes of eggs) (1,55,400/- eggs) and raising threats to eliminate the complainant. Therefore justice is done. Complainant shall be highly obliged.”

3. Learned counsel for the petitioner contends that the complainant had levelled allegations against two persons, namely, Joginder Kumar and Sahil, i.e., the present petitioner. In fact, the FIR has been got registered by the complainant to save himself from the loss, which had occurred due to poor quality of eggs and the owner of “Jharsa Eggs” refused to offload the eggs as the condition of eggs was not good. Further, the petitioner had delivered the eggs at the right place, i.e., “Jharsa Eggs” and the remaining goods could not be offloaded due to the rain in the region. He further contends that the petitioner was supposed to deliver the eggs at Varanasi and some theft had taken place there. Even, the local police was informed by the petitioner but no action was taken by the police. He further contends that the complainant and owner of “Jharsa Eggs” conspired and got a false case registered against the petitioner. Apart from that, it is

clearly visible from the CCTV footage that the eggs were delivered at the correct place, as per the instructions of the complainant.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner is the owner of vehicle bearing registration No.HR-45C-4497. The petitioner and his brother Joginder @ Vicky went to Varanasi after loading the boxes of eggs belonging to the complainant in their vehicle. However, the eggs were not delivered at the place, as per the instructions of the complainant. He further contends that the truck in question is required to be recovered from the present petitioner and the custodial interrogation of the petitioner is required to take the investigation to its logical end.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, as per the investigation conducted so far, it has been found that the petitioner is the owner of the vehicle bearing registration No.HR-45C-4497 in which the boxes of eggs were loaded by the complainant. However, instead of delivering the eggs at Varanasi, the same were sold by the complainant to some other person. Even, a huge loss has been illegally caused by the petitioner to the complainant in the present case. Thus, custodial interrogation of the petitioner would be necessary for recovery of the

truck from the petitioner to know the names of his co-accused, who may be involved with the petitioner.

7. Finding no merits, the present petition is ordered to be dismissed.

12.05.2025	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No