



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

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CRM-M-61879-2024

Date of decision: 15th January, 2025

Satyaveer Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Himanshu Joshi, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner(s) in case FIR No. 484 dated 23.10.2024 registered under Sections 303(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station City Narnaul, District Mahendergarh, Haryana.

2. The aforementioned FIR has been registered on the allegations that on 20.10.2024, 700 bags of millet had been got loaded by the firm of the complainant Shakti Singh namely Shri Balaji Transport Company in a vehicle bearing No. HP24D-7761. Ajay Gujjar was driver of the said vehicle. The quantity of the millet was weighed at a *Dharam Kanta* and then the same has been sent for warehouse godown situated at village Jaurasi. At the time of unloading, 600 bags of millet were found. The driver of the



vehicle was telephonically contacted who disclosed that the present petitioner was registered owner of the vehicle. After registration of FIR, investigation proceedings were initiated. The complainant had hired the vehicle on rent. The accused Parkash was arrested. 48 bags of millet were recovered at his instance. He suffered disclosure statement admitting his involvement in committing theft of millet and also disclosed the names of co-accused Rajesh, Anil @ Bhomaram, Sheokin, Roshan Lal and Kailash who were involved with him in committing the theft. Co-accused Mali Ram was arrested on 11.11.2024, he suffered disclosure statement admitting his involvement in theft of the millet and also disclosed the names of the present petitioner and co-accused Rajesh. It was revealed that Ajay Gujjar was not driver of the truck at the time of occurrence and the same was owned by the present petitioner. He had been nominated as an accused. Apprehending his arrest, he had moved an application for grant of anticipatory bail, which was dismissed by the Court of learned Additional Sessions Judge, Narnaul vide order dated 11.11.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, the complainant had hired the vehicle from the co-accused Ajay Gujjar and not from the petitioner. Though petitioner is the registered owner of the vehicle but the same had been hired by the complainant since long and accused Ajay Gujjar was also employed by the complainant as a driver of the said vehicle. No recovery is to be effected from the petitioner. Recovery of 48 bags of millet has been recovered from the co-accused Parkash, with whom the petitioner has no concern. Therefore, it is argued



that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana, has argued that in his disclosure statement, the co-accused Mali Ram has disclosed about the involvement of the present petitioner in hatching conspiracy to commit theft of millet. Recovery of the vehicle from where the theft was committed as well as 52 bags of stolen millet is to be effected from the petitioner, who is the registered owner of the same. The petitioner had given wrong details of the driver. The location of Ajay Gujjar whose name was disclosed as driver of the vehicle, was not found to be at the place of occurrence at the relevant time. For conducting thorough investigation in the matter also, the custodial interrogation of the petitioner is required. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner was admittedly registered owner of the vehicle bearing registration No. HP24D-7761. 700 bags of millet had admittedly been loaded in the vehicle and the same were to be unloaded at warehouse at village Jaurasi. The accused Mali Ram has suffered disclosure statement that he along with the co-accused Sheokin, Kailash and Parkash Chander had committed theft of 48 bags of millet kept in the vehicle after hatching a conspiracy with Rajesh, who had disclosed about involvement of the present petitioner. The petitioner was specifically named by the co-accused. He might not be directly involved in the commission of offence of theft but his complicity by hatching a conspiracy in the act of theft is *prima facie* made



out from the allegations in the FIR. The recovery of the vehicle owned by the petitioner as well as 52 bags of millet is to be effected. The custodial interrogation of the petitioner is required for that purpose as well as for conducting thorough investigation in the matter and to elicit information as to the *modus operandi* adopted by the petitioner and co-accused for committing theft. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exception or extra ordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*