

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

CRM-M-35995 of 2015

Date of Decision: December 04, 2015

Som Nath

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-21321 of 2015

Dinesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Maneesh Bali, Advocate
for the petitioner (in CRM-M-35995 of 2015)

Mr. Amit Verma, Advocate
for the petitioner (in CRM-M-21321 of 2015)

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

The above two bail applications i.e. regular bail application of petitioner-Som Nath and anticipatory bail application of petitioner-Dinesh Kumar preferred under Sections 439 and 438 Cr.P.C. respectively having arisen in the same very FIR registered at the behest of the complainant Suresh Kumar @ Bhola are being disposed off together.

The facts as have been brought to the notice of

this Court are that there was money dispute regarding some land alleged to have been taken by petitioner-Som Nath from the complainant Suresh Kumar @ Bhola and it is alleged that as a surety petitioner-Som Nath, who is an owner of a Innova vehicle bearing No.PB 12-T-9505 had handed over this vehicle to the complainant, whereas, petitioner-Som Nath alleges that his vehicle was taken on gun point by the complainant. The complainant alleges that petitioner-Som Nath has prepared an affidavit forging signatures of the complainant purported to testify sale of the vehicle and on discovery of this fraud the present case was registered.

It is the contention of Mr. Bali, that the petitioner-Som Nath is in custody since 8.6.2015 and has since joined investigations and that the trial investigations will take long time and that alleged report of the handwriting expert nowhere highlights that it is the petitioners who have forged the signatures.

Mr. Amit Verma, learned counsel for the petitioner-Dinesh Kumar seeking his anticipatory bail has submitted that since there is no specific role attributed to the petitioner-Dinesh Kumar and there is only dispute between petitioner-Som Nath and complainant and that he has no role to play in the same.

Since the petitioner-Som Nath is in custody and has already undergone sufficient period of incarceration and that the trial investigations are not likely to be concluded in near future, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner-Som Nath be admitted to bail to the satisfaction of the trial Court.

Admittedly, as per the averments of Suresh Kumar @ Bhola complainant there is money dispute over Rs.27,62,000/- between him and accused Som Nath. Learned counsel for the complainant could not convince this Court how or in what manner evidently there is support to the complainant's contention that the registered owner of the vehicle had undertaken to sell the vehicle as neither any forms under the Motor Vehicle Act/Rules have been brought to the notice of this Court much less any agreement to that effect. The question of cheating in such circumstances certainly a debatable issue and that there is no specific role is attributed to the petitioner in commission of this crime. Thus, the present petition seeking anticipatory bail is allowed. In the event of arrest of the petitioner-Dinesh Kumar, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Both the petitions stand disposed off.

(FATEH DEEP SINGH)
JUDGE

December 04, 2015

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