

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

**Criminal Misc. No. M-42529 of 2014 (O & M)
Date of Decision:-02.11.2015**

Yogesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. Chanakya Pandit, Advocate
for the complainant.

HARI PAL VERMA J.

CRM No.36202 of 2015

This is an application for placing on record Annexure P-14.

Same is allowed subject to just exceptions and the document
Annexure P-14 is taken on record.

CRM No.14087 of 2014

This is an application for impleading the complainant
Ramakanta Barik, Senior Manager Accounts, ABS Motors SCO No.307,
Sector 29, Gurgaon as respondent No.2.

Application is allowed subject to just exceptions and complainant Ramakanta Barik is ordered to be impleaded as respondent No.2. Registry is directed to do the needful.

CRM-M No.42529 of 2014

While recording the contentions of the petitioner that the petitioner has earlier filed a complaint, therefore, registration of FIR is a counter blast to that complaint. This Court vide order dated 12.12.2014 issued notice of motion for 16.2.2015 and granted interim bail to the petitioner on furnishing of bail bonds to the satisfaction of SHO/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Briefly stated the facts are that the complainant Ramakant Barik from ABS Motors got registered an FIR No.630 dated 20.10.2014 under Sections 420, 467, 468 and 471 IPC, at Police Station Sector-DLF Qutab Enclave, District Gurgaon to state that he had opened a motor department under his company. In the year 2009, he took the dealership of passenger vehicle of Tata Motors. He kept the dealership for about 5 years. During this period, on 23.5.2013, the showroom manager, namely, Raj Rai sold one Tata Manza Car bearing Engine No.323B600-7079352 and Chasis No.MAT613253DLA03924 to the petitioner. Since the car was of 2011 Model, therefore, as per the scheme floated by the company, discount of Rs.2.46 lacs was given to the petitioner. Said Raj Rai being an employee of the department, taken the responsibility of preparing the papers of the car. Raj Rai handed over papers to the petitioner. However, after some time, due to some financial reasons in the year

2013, the motor department was closed. The petitioner moved a complaint to the police that the company has handed over a fake document to him. On checking of the record of the company, it was found that the vehicle in question purchased by the petitioner from the company pertains to 2011 Model and accordingly on 2011 Model vehicle, a discount of Rs.2.46 lacs was given to the petitioner. Whereas, as per the documents prepared by the team of Raj Rai, the vehicle was registered with the Registration Transport Authority as 2012 Model, which lead to a conclusion that the documents, which were sent from the company to the RTO had shown the vehicle as 2012 Model. On the basis of the forwarded documents, the Registration Authority had prepared the registration certificate showing the vehicle as of 2012 Model. However, when the matter was inquired into by the company, it was found from Form No.20, which was used for the purpose of registration of the vehicle, the manufacturing date was mentioned as 2011 and there were signatures of petitioner Yogesh Kumar on this document. Thus, the allegation against the petitioner is that on the one hand he availed the discount of Rs.2.46 lacs showing as 2011 Model, at the same time he got the vehicle registered as 2012 Model.

Learned counsel for the petitioner has argued that the detailed invoice dated 23.5.2013 and the sale certificate (Annexure P-14) issued by ABS Motors shows the year of manufacturing of the vehicle as of the year 2012 and, therefore, the petitioner has not committed any offence as being alleged. The discount as availed by the petitioner, was as per the scheme of the company.

On the other hand, learned counsel for the complainant as

well as State counsel submitted that as per the scheme, the discount was @ Rs.1,00,000/- for each year and admittedly since the vehicle in question was of 2011 Model, the discount was granted @ Rs.2.46 lacs, therefore, it leaves no doubt that the vehicle in question was of 2011 Model and the petitioner in order to show it as upgraded model of 2012, in connivance with Raj Rai, has committed the offence detailed in the FIR.

I have heard learned counsel for the parties.

The allegations against the petitioner are serious. He has fabricated the Form No.20 in connivance with the officials of ABS Motors with regard to the year of manufacturing of Tata Manza car in order to show it as an upgraded model. The manufacturing year of the said car was 2011, whereas while submitting papers before the RTO, the manufacturing year had been shown as 2012. The petitioner is the direct beneficiary. Therefore, he has signed and submitted the registration form to the RTO, under his signatures by fabricating the year of manufacturing. Therefore, this Court find no reason to admit the petitioner on anticipatory bail.

Accordingly, the present petition is dismissed.

November 02, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE