

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

CRM-M-11012-2016 (O&M)

Date of decision : 29.07.2016

Kewal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Kulbir Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.01 dated 31.01.2016, registered under Sections 465, 467, 468, 471, 474 and 120-B of the Indian Penal Code, at Police Station NRI Moga.

Learned counsel for the petitioner contends that the petitioner is a bona fide purchaser having paid the entire sale consideration to co-accused Angrez Singh who had the power of attorney on behalf of the complainant. He further refers to the agreement Annexure P-3, to contend that Angrez Singh is liable to satisfy any liability prior to the date of agreement i.e. 12.03.2015.

On the other hand, learned State counsel, on instructions, states

that though the petitioner has joined the investigation, but he is not cooperating.

Heard.

The petitioner is admittedly dealing in sale and purchase of used cars. Knowing fully well that the vehicle in question stood hypothecated with the bank, which fact is also reflected in the registration certificate of the vehicle, the petitioner purchased the same from Angrez Singh and subsequently sold it to one Deepak Kumar of Hoshiarpur. The investigation against co-accused Angrez Singh is in progress. Plea of bona fide purchaser raised by the petitioner cannot be accepted in view of the evidence on record. Therefore, this Court feels that it is a fit case where custodial interrogation of the petitioner would be required to unearth the true facts.

No merit. Dismissed.

29.07.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No