

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17070 of 2017
Date of Decision: 07.10.2017

Chhaju Ram and another

....Petitioner

VERSUS

State of Haryana and another

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Pratibha Yadav, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

Mr. J.P. Jangu, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 267 dated 04.07.2016 registered for offences punishable under Sections 379, 198 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station Pataudi, District Gurugram. (Offences punishable under Sections 198 and 120-B IPC were added later on).

Heard.

The dispute in this case relates to bus bearing registration no. RJ-06-PA-2974, which was owned by petitioner no. 2-Vijay Kumar and sold to respondent no. 2-complainant in the year 2012. Admittedly, complainant did not get the bus transferred in his name and petitioner no. 2 remained the registered owner of the bus.

Learned counsel for respondent no. 2-complainant under instructions from complainant, who is present in Court, submits that the bus

was not got transferred in the name of complainant as the same was under hypothecation and petitioners have not cleared the charges on the bus. He, however, admits that taxes and charges on the bus after its purchase are still outstanding.

The bus is presently in possession of police. Complainant, when enquired as to whether he wants to take the bus on *supardari*, submits that he will not take the bus on *supardari* as engine of the same has been changed.

Factual position as discussed above is not disputed. The bus is now in possession of the police. The entire submissions put-forth by learned counsel for petitioners and learned counsel for complainant are based on documentary evidence for which custodial interrogation of petitioner is not required.

In view of above but without expressing any opinion on the merits of the case, this petition is allowed and order dated 15.05.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

October 07, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No