

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

**CRM-M-28153-2018
Date of decision: 22.11.2018**

Rahul Chaudhary

...Petitioner

Versus

State of U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Karambir Singh Nalwa, Advocate
for the petitioner.

Mr. Sukant Gupta, Addl. P. P., U.T., Chandigarh.

Ms. Priyanka Malik, Advocate for
Mr. D. S. Sobti, Advocate
for respondent No. 2/complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 131 dated 04.04.2018, registered under Sections 419, 420, 467, 468, 471 and 120-B of the IPC at Police Station Sector 34, Chandigarh.

The operative part of the order dated 09.07.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per allegations in the FIR, complainant Rattan Deep Singh Grover has alleged that he had purchased one BMW 730 car bearing registration No.CH-01AM-1394 in 2016 from one Jaskaran Singh Banga through a car dealer Hemant Puri @ Vicky Puri, who deals in the sale purchase of the cars and has taken the possession of the said car. Thereafter, noticing certain defects in the car, said Hemant Puri @ Vicky Puri offered him to further sell it to a prospective customer and as per petitioner's version, thereafter, the car was sold to the petitioner and the petitioner made a payment of Rs.11.00 lacs through RTGS in favour of said Hemant Puri @ Vicky Puri. It is further submitted that as per FIR, it is further alleged that in September, 2017, the complainant became suspicious about conduct of

Hemant Puri @ Vicky Puri and his partner Raunak and he moved an application before the Registering/Licensing Authority, U.T., Chandigarh for locking the record of the vehicle and the same was accepted on 19.09.2017, however, later on the complainant came to know that record of the vehicle was unlocked on an application moved by Raunak and Hemant Puri @ Vicky Puri and aforesaid Hemant Puri @ Vicky Puri by impersonating himself as complainant, by preparing forged documents got the RC transferred in his name on 30.03.2017. Learned counsel for the petitioner further submits that after the petitioner has purchased the aforesaid car and has paid the aforesaid amount to Hemant Puri @ Vicky Puri, the registration certificate was transferred in his name and he came to know from the RC that the previous owner was Rattan Deep Singh and not Jaskaran Singh Banga. It is further submitted that the petitioner has also given a complaint in Police Station Rajender Nagar, Delhi with regard to the aforesaid incident and in reply to the notices issued under Section 91 Cr.P.C. to the original owner Jaskaran Singh Banga, Manoj Kumar and complainant Rattan Deep Singh Grover, on the basis of their replies filed before the Investigating Officer at New Delhi, following facts emerge: - (a) As per the version given by the original owner Jaskaran Singh Banga, he has never sold the vehicle in favour of complainant Rattan Deep Singh Grover and rather he has sold the car to one Manoj Kumar. (b) As per version given by Manoj Kumar, he has sold the car to Hemant Puri @ Vicky Puri. It is thus submitted that it is case of the original owner Jaskaran Singh Banga that he has sold the car to Manoj Kumar, however, RC was never transferred in favour of Manoj Kumar and he has further sold the vehicle to Hemant Puri @ Vicky Puri. Said Hemant Puri @ Vicky Puri has sold the vehicle to the petitioner, whereas case of the complainant is that at one point of time, in the year 2016 that he had purchased the car from Hemant Puri @ Vicky Puri and later on, RC was transferred in his name on 30.03.2017 and thereafter, said Hemant Puri @ Vicky Puri had sold the car to the present petitioner. Learned counsel for the petitioner has further submitted that even the petitioner has given a complaint before the police authorities at Chandigarh highlighting all the facts and stating that he is a bonafide purchaser of the car and he has made the payment in favour of Hemant Puri @ Vicky Puri. It is further submitted that there is no direct allegation against the petitioner that he has fabricated any

document with regard to transfer of the RC. Though the parallel investigation is going on in the police station at Sector-34, Chandigarh as well as in the police station Rajender Nagar Delhi, yet from the replies filed by the aforesaid persons, it is apparent that Jaskaran Singh Banga sold the car in favour of Manoj Kumar and he had failed to get it transferred in his name. Thereafter, Manoj Kumar also failed to get the RC transferred in the name of Hemant Puri @ Vicky Puri and the petitioner when purchased the car through dealer Hemant Puri @ Vicky Puri, he got it transferred in the name of the petitioner on receiving the payment. Thus, Jaskaran Singh Banga, Manoj Kumar and Hemant Puri failed to get the registration certificate transferred in pursuance of successive sale of car.

Notice of motion for 13.09.2018. ”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 13.09.2018, has rejoined investigation and handed over the car to the Investigating Officer.

Learned counsel for the U.T., Chandigarh, on instructions from ASI Vijay Kumar, assisted by learned counsel for the complainant, has not disputed the above fact and submits that the petitioner is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 09.07.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

November 22, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No