

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

1. **CRM-M No. 3621 of 2019**
Date of Decision:-22.02.2019

Deshmukh Goyal

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M-6389 of 2019**

Lavish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. B.S. Rana, Sr. Advocate with
Ms. Divya Bajaj, Advocate
for the petitioner (in CRM-M-3621-2019).

Mr. Ishan Gupta, Advocate
for the petitioner (in CRM_M-6389-2019).

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

This order will decide two petitions filed by petitioners

Deshmukh Goyal and Lavish Kumar for grant of regular bail pending trial

in case FIR No.307 dated 19.12.2018, under Sections 420, 465, 467, 468, 471 and 120-B IPC (subsequently Section 201 IPC added), registered at Police Station City Sangrur.

The FIR was registered on the basis of statement of Chief Officer, Police Station Sangrur City, wherein it was alleged that a secret information was received that Deshmukh Goyal (petitioner herein in CRM-M-3621-2019), Lalit Kumar @ Chinku Goyal and Lavish Kumar, typist (petitioner herein in CRM-M-6389-2019), Tehsil Complex, Sangrur are in the business of making registration certificates of vehicles and other relevant documents of the vehicles. They in connivance with each other prepared forged bills and other forged documents to get the registrations from the office of Registering Authority, Sangrur. It was also alleged that the involvement of some other persons can also be there and in case a raid is conducted on their shop, registration certificates of the vehicles and other forged files relating to registration of vehicles can be recovered.

Acting upon this information, the ruqqa was sent for registration of the FIR. Certain files pertaining to registration of the vehicles were recovered from the petitioners and both the petitioners were arrested on 23.12.2018.

Learned senior counsel appearing on behalf of petitioner Deshmukh Goyal has contended that it is the petitioner, who had highlighted the corruption in the Regional Transport Authority, Sangrur. The complaints in this regard were moved on 27.8.2018 i.e. Annexures P-2 and P-3 respectively. As nothing was being done on these complaints, the

petitioner Deshmukh Goyal moved an RTI application dated 15.11.2018 (Annexure P-4) to know about the status of those complaints and at this stage, the petitioner has been falsely indicted in this FIR. Even otherwise on merits, it is pointed out that none from the owners of the vehicles have been arrayed as an accused, who have been allegedly benefited by the alleged forgery committed by the petitioners.

The status report by way of affidavit of Satpal Sharma, PPS, Deputy Superintendent of Police, Sub Division, Sangrur was filed, wherein, certain references of files have been made, which were allegedly given by Shri Karanbir Singh Chhina, District RTA, Sangrur to ASI Jaswinder Singh with regard to preparation of new registrations applied for and deposited by Deshmukh Goyal and Lavish Kumar (petitioners). In the said status report, the modus operandi of the petitioners has been detailed.

Learned counsel appearing for the petitioners have contended that as per the status report, these files were returned to the petitioners for some shortcomings or suspicion. It is pointed out that if the files were returned to the petitioners, how come that these files were handed over by the District RTA, Sangrur to ASI Jaswinder Singh. According to learned counsel for the petitioners the investigation qua the petitioners is complete and their further custody is not justified as they are no more required for any investigation.

On the other hand learned State counsel assisted by the Investigating Officer has opposed the bail applications of the petitioners by referring the modus operandi as mentioned in the status report. Learned

State counsel has not disputed the complaints made by the petitioner Deshmukh Goyal and application moved by him under RTI Act to know the status of the complaints. As per the alleged modus operandi, the beneficiaries were the owners of the vehicles, for whom the petitioners were allegedly facilitating the registration of their vehicles on the basis of forged documents. However, it is not disputed that none of the beneficiaries/owners of the alleged vehicles or the officials of RTA have been arrayed as accused. It is further apprised that some of the accused are yet to be arrested.

Considering the custodial period of the petitioners, status of the case, which is triable by Magistrate, further detention of the petitioners is not justified. Therefore, without commenting anything upon merits of the case, the petitioners, namely, Deshmukh Goyal and Lavish Kumar are ordered to be released on regular bail subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petitions are allowed.

A photocopy of this order be placed in the file of connected matter.

February 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No