

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

CRM-M-17381 of 2020 (O&M)  
Decided on:- July 13, 2020.

Sunil.

.....Petitioner.

Versus

The State of Haryana.

.....Respondent.

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

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Present:- Mr. J.S. Bedi, Senior Advocate with  
Barrister Rubal Garg and  
Mr. Arav Gupta, Advocate  
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

**HARI PAL VERMA, J. (Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

**CRM-14893-2020**

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing the certified/fresh typed copies of documents Annexures P-1 to P-13, attestation of annexures and fixation of court fee.

Prayer for exemption of certified/fresh typed copies of documents, attestation of annexures and fixation of court fee on account of COVID-19 is accepted with the condition that the petitioner shall deposit the

required court fee/documents within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CRM-M-17381-2020

This is second petition filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.602 dated 21.12.2018 under Sections 182, 203, 166, 217, 218, 420, 485 and 120-B IPC registered at Police Station Urban Estate, Rohtak, District Rohtak.

The earlier petition filed by the petitioner along with another co-accused was dismissed as withdrawn vide order dated 15.05.2020 passed by this Court in *CRM-M-11774 of 2020* titled as *Sunil and another Versus The State of Haryana and others* with a liberty to avail the statutory remedy while approaching the Court of Session. Since the application for anticipatory bail of the petitioner was dismissed by learned Sessions Judge, Rohtak vide order dated 22.06.2020, the petitioner has filed the present petition.

The aforesaid FIR was registered on the basis of statement of petitioner himself, resident of a village Sisar Khas. The petitioner had reported that he was owner of truck bearing registration No.HR-46E-5121. On 20.12.2018 at about 10.00 P.M., he had parked the said truck in the parking of east side of new Bus Stand, near Vishal Nagar Road. However, at about 02.00 A.M. when he came back, he found that the said truck was missing. Accordingly, the matter was reported to the police which led to the registration of present FIR.

Police investigated the matter and filed untraced report in the case. However, on 07.03.2020, co-accused Sunil Kumar son of Ram Mehar

was arrested in another case i.e. FIR No.625 dated 22.11.2019 under Sections 420, 485, 120-B and 182 IPC registered at Police Station Meham. During the course of interrogation in that F.I.R., co-accused Sunil Kumar son of Ram Mehar made a disclosure statement regarding his involvement in the present case as well i.e. FIR No.602. Accordingly, co-accused Sunil Kumar son of Ram Mehar was arrested in this case, who got recovered the stolen truck. He also made a disclosure statement that he along with the petitioner got financed the said truck from Chola Mandlam Company. Since they could not pay the instalments of loan of the vehicle, they hatched a criminal conspiracy with accused Dilbagh Singh that a false FIR be got registered regarding theft of the truck. The conspiracy was hatched in connivance with Dilbagh Singh so that a claim from the insurance company would be procured. Resultantly, the claim from insurance company was obtained on the basis of theft of the truck. Later on, it was found that the said truck was given on lease by one Jaswant Singh resident of village Sisar Khas to Jindal Company, Hisar for its plying inside the company premises. In this manner, the truck was recovered by the police.

Mr. J.S. Bedi, learned senior counsel for the petitioner has argued that the petitioner has falsely been implicated in the case on the alleged disclosure statement of co-accused Sunil Kumar son of Ram Mehar (person having the same name as the petitioner), who has stated that the petitioner has given false information of theft of the vehicle in connivance with police official Constable Dilbagh Singh. The petitioner is not involved in the case in any manner.

He further argued that co-accused Sunil Kumar son of Ram Mehar and Dilbagh Singh have already been released on bail. The petitioner

had purchased the vehicle from DAISY Motors Private Limited, Hisar and the said vehicle was financed through Chola Mandlam Investment and Finance Company Limited, Rohtak. The petitioner had been paying regular instalments which is apparent from the account statement maintained by the said company. The petitioner has repaid a total sum of Rs.13,84,830/- including Rs.9,41,333/- as principal amount and Rs.4,43,497/- as interest amount. The vehicle was being used by the petitioner himself. Since the said vehicle was stolen, the matter was reported to the police and FIR No.602 dated 21.12.2018 under Section 379 IPC was registered at Police Station Urban Estate, Rohtak. The police, after conducting investigation, had submitted untraced report in the case. The factum of theft was duly examined by the insurance company in relation to the theft of vehicle and the claim of the petitioner was accordingly approved by the competent authority of the insurance company as per the policy. No offence has been committed by the petitioner and the police is acting in *mala fide* manner so as to rope the petitioner in the case.

On the other hand, learned State counsel has referred to the disclosure statement made by the petitioner to the effect that the petitioner along with co-accused Sunil Kumar son of Ram Mehar got the truck financed from Chola Mandlam Company and were required to deposit instalments @ Rs.60,000/- per month. Since the instalments could not be deposited with the finance company, a conspiracy was hatched by the accused and the FIR as regard the theft of the truck was got registered.

I have heard learned counsel for the parties.

As regard the other co-accused Sunil Kumar son of Ram Mehar, he has been admitted on regular bail vide order dated 16.03.2020 passed by learned Additional Chief Judicial Magistrate, Rohtak (Annexure P-12) and not on anticipatory bail, though co-accused Dilbagh Singh was admitted on anticipatory bail by learned Sessions Judge, Rohtak vide order dated 20.05.2020 (Annexure P-13). However, in the case in hand, the allegations levelled against the petitioner are serious to the extent that in order to get the claim from insurance company, he made a false story regarding theft of the truck and got the insurance claim indemnified from the insurance company. Therefore, this Court does not find any merit in the case for grant of anticipatory bail to the petitioner.

The present petition is, accordingly, dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

**July 13, 2020**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No