

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19916-2020

Date of Decision :31.07.2020

Ranbir Singh

....Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.636 dated 21.09.2019, registered under Sections 406/420/467/468/471/120-B of Indian Penal Code, 1860, at Police StationHansi City, District Hansi.

3. Learned counsel contends that the petitioner had lent his vehicle in May 2018 (mentioned as December, 2018 in the petition), to his friend Ashu for going to the marriage of his near relative but the same was not returned,therefore after 15 days' he contacted Ashu who informed him of his helplessness in returning the vehicle as he had given the same to his brother-in-law Sajjan for his personal use and Sajjan was not returning the vehicle and was also not receiving his calls. Learned counsel states that thereafter, the petitioner went to the place of Sajjan and came to know that Sajjan had sold the said vehicle to one Bijender without any documents but

Sajjan assured him that the vehicle would be returned and every time the petitioner demanded his vehicle, Sajjan made one excuse or the other. Learned Counsel has also referred to the statement of the complainant in Annexure P-7 that he had no transaction with Ranbir besides, the petitioner is willing to join investigation, hand over the vehicle and fully cooperate with the police.

4. A perusal of the FIR reveals that the complainant purchased Fortuner vehicle bearing registration No.HR-26-BM 6577 on 09.06.2018 from Sajjan son of Karambir who handed him the original RC, insurance, sale letter and NOC on receipt of sum of Rs.9,25,000/- i.e. Rs.3,00,000/- vide cheque and Rs.6,25,000/- cash. However, Sajjan put off the registration of the vehicle in the name of the complainant on one pretext or the other and on 02.01.2019, asked the complainant to come to Hansi to get the vehicle registered. On 03.01.2019 when the complainant reached Hansi at 11.30 AM, the police impounded the vehicle during checking, that Sajjan and Ranbir knowingly got the vehicle impounded because Sajjan took all the documents related to the vehicle on 02.01.2019 while departing from Gurgaon and on arrival at Hansi, told the complainant that he had forgotten the documents of the vehicle at some place and when the complainant went to get the vehicle released on superdari he learnt that the same had been got released on superdari by the petitioner and in the aforementioned circumstances, Sajjan and Ranbir had cheated him and got the vehicle registered in the name of Ranbir. Besides, Sajjan refused to return Rs.9,25,000/- to him whereas the NOC of the vehicle was still with him.

5. Learned State counsel contends that connivance in commission of fraud is apparent on the face of it for if the vehicle of the complainant was not being returned by Ashu/ his brother in law Sajjan after petitioner had lent it to Ashu on 03.05.2018 (as per oral submission by learned counsel for the petitioner) to enable him to attend a marriage why no complaint was made by the petitioner to the police to get his vehicle back and how later the petitioner got the vehicle released on superdari on its seizure by the police when the papers were with Sajjan and the same revealed that the fraud was pre-planned by the petitioner and Sajjan in connivance with each other.

6. I have considered the submissions of learned counsel for the parties and am of the view that in the light of the position as noted above particularly in view of the petitioner not having made any attempt to recover his vehicle from Ashu or Sajjan by making a police complaint despite lending the vehicle to Ashu on 03.05.2018 for a few days to attend a relative's marriage and despite learning that the vehicle had been sold on 09.06.2018 by Sajjan, thereafter of the same being seized by the police on 03.01.2019 but the same being got released on superdari by the petitioner, all points to fraud played by the petitioner against the complainant in connivance with Sajjan. Custodial interrogation is rightly claimed by the State for if the petitioner is protected by an order of pre-arrest bail despite the factual position as noted above, it would not be possible for the police to unearth the conspiracy/collusion between the petitioner and Sajjan in committing the fraud. Reference in this connection is made to the decision of Hon'ble the Supreme Court in 'CBI versus Anil Sharma' 1994 (4) RCR (Crl.) 268.

7. Taking into account all aspects of the matter, I am of the considered view that the order passed by the learned trial Court does not suffer from any infirmity nor warrants any interference. Accordingly, the petition for pre-arrest bail is ***dismissed***. However, nothing said in this order shall be taken to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

July 31, 2020

'ps/amit

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*