

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 31601 of 2020

Date of Decision: 13.10. 2020

Love alias Lokesh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gopal Sharma, Advocate
for the petitioner(s).

Mr. Arun Beniwal, Deputy Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 176, dated 14.05.2019, registered under Section 406, 419, 420, 465, 467, 471, 483 & 120-B IPC, at Police Station Civil Lines, Sonipat.

The facts of the case have been noticed by the learned Additional Sessions Judge, Sonipat, in para 3 of its order dated 21.09.2020, which are extracted as under:-

“The brief facts of the prosecution case are that the complainant Sanjay Kumar has moved an application to the police to the effect that he is working as Mahindra Finance at Sonapat. It is further alleged that during June-2018 to November-2018 as many as 09 vehicles were got financed in

different names and guarantor of above vehicles was only one person namely Rishipal son of Virender, resident of Asrafpur Matindu, Tehsil Kharkhoda, District Sonipat. It is further alleged that all nine vehicles were in custody of Rishipal which is against the rule of the company and purchaser were not paying the installments of the vehicles. It is further alleged that the above said vehicles were not got registered and he has come to know that later two vehicles out of nine vehicles were registered at RTO Bari having registration No. HR-77B-3739 and another vehicle were registered at RTO office Bhadurgarh having registration No. HR-13P-2461. It is further alleged that fake NOC and other documents were used in registration of the vehicle. In this way, fraud has been committed by the accused along with many other co-accused. Many other allegations were also made against applicant/accused and other co-accused”.

Learned counsel for the petitioner contends that the petitioner is sought to be indicted as an accused on the statement of Rishi Pal. He further submits that at the most, the case of the prosecution against the petitioner is that the petitioner purchased two vehicles from Rishi Pal. Learned counsel has drawn the attention of the Court to page 14 of the paper-book wherein it is recorded that the vehicle, Tata Safari, was sold to Anirudh son of Surender. He submits that now the aforesaid vehicle has been shown to have been recovered from the petitioner. He further submits that Rishal has been granted the concession of bail, on 29.07.2019.

On the other hand, Mr. Arun Beniwal, Deputy Advocate General, Haryana, has opposed the prayer on the ground that the petitioner, through his brother, had surrendered a vehicle, Maruti Breeza. He contends that in fact the petitioner and Anirudh are partners.

This Court has considered the submissions of learned counsel for the parties and with their able assistance, perused the paper-book.

It is not disputed that the case is triable by a Judicial Magistrate First Class. The petitioner is in custody since 12.08.2020. Rishal, one of the main accused, has already been released on bail on 20.07.2019. Still further, the petitioner herein is neither a borrower nor a guarantor.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, it is considered appropriate to direct the petitioner to be released on regular bail. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

October 13, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No