

In virtual Court

CRM-M-498-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-498-2021 (O&M)
Date of decision: 07.01.2021

Mukhtiar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.189 dated 26.12.2017 under Sections 420, 422, 120-B IPC, registered at Police Station Kulgari, District Ferozepur.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner purchased a Ford Figo car on down payment of Rs.1.15 lac and represented to the complainant that remaining amount will be financed by ICICI Bank. It is further stated in the FIR that co-accused Himank Dhar posing himself to be an employee of ICICI Bank sent some communication to the complainant to deliver the car to the petitioner, however, later on, it was informed that due to technical problem, loan could not be sanctioned. When the complainant came to know that loan has not been sanctioned and the petitioner has stealthily and by playing fraud, has purchased the aforesaid vehicle, a

demand was made from the petitioner to pay the balance amount, however, the petitioner neither returned the car nor paid the amount. Later on, the car in dispute was found involved in an NDPS Act, wherein son of the petitioner was found in possession of some narcotic substance and later on, it was got released by the petitioner on superdari. It is further stated in the FIR that an amount of Rs.7,56,000/- was outstanding, which has never been paid by the petitioner and for the last 05 years, he is using the car, which is even used for illegal purposes.

Learned counsel for the petitioner has argued that there was no fault of the petitioner, as he has approached the officials of ICICI Bank to finance the car, however, the same could not be financed and the car was delivered to him on an assurance given by the official of ICICI Bank i.e. one of the co-accused Himank Dhar, who was stated to be Manager. Later on, when the Bank found that there is no proper procedure for the finance, it was declined. It is further submitted that the petitioner is ready to hand over the old car.

Learned State counsel has, however, opposed the prayer for bail on the ground that the car is now 05 years old and is involved in one NDPS case, therefore, it cannot be handed over to the complainant. Moreover, the petitioner, at the time of taking delivery of the car, knew that he has made only part payment by misrepresenting the facts and never paid Rs.7,56,000/-. Learned State counsel has further submitted that the petitioner is involved in some other cases i.e. FIR No.162 dated 11.06.2013 under Sections 324/34 IPC, Police Station City Ferozepur, FIR No.102 dated 21.05.2018 under Sections 307, 341, 323, 148, 149 IPC, Police Station City Ferozepur and FIR No.247 dated

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07.11.2016 under Section 302 IPC, Police Station Sadar Ferozepur and on that account, he has already been dismissed from service from FCI Department.

After hearing learned counsel for the parties, considering the serious allegations levelled against the petitioner, I find no ground to grant him anticipatory bail.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

07.01.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No