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

CRM-M-16781-2021

Date of decision-17.09.2021

AMIT KUMAR

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present :- Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 91 dated 24.03.2021 under Sections 420, 467, 468 471 201 & 120-B Indian Penal Code, 1860 registered at Police Station Siwani, District Bhiwani. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

“The FIR (Anneuxre P-1), was registered at the instance of SI Karambir, wherein it was stated that a secret information was received in the office of Sub Divisional Officer (Civil), Siwani district Bhiwani, in regard to the vehicles purchased during bank auctions, forged documents have been prepared and registrations have been got done by recovering less tax value. Believing the information as true and after making aware to the senior officers, myself Sub Inspector along with asociate officials SI Ram Niwas 476-RTK, ASI Narender

Singh 934/Jhajjar, ASI Sunil Kumar 216/RTK, HC Rradeep Kumar 4/250 in a Govt. Vehicle HR-68-B-3002 driven by Driver SI Devender Singh 570/SPT have reached in the office of SDO (Civil) Siwani district Bhiwani. There in the office of SDO (Civil) Siwani district Bhiwani Deepak Kumar, Motor registration Clerk was found present, from whom records of vehicle no.HR-17-A-4185, HR-17A-4099, HR-17-A-4221, HR-17A-4267, HR-17A-4367, HR-17A-4389 and HR-17A-4396 was demanded. Thereupon, records of vehicles no.HR-17A-4185, HR-17-A4099, HR-17A-4221, HR-17A-4389 and HR-17A-4396 was produced. But records of vehicles no.HR-17A-4267, HR-17A-4367 was found missing. From the recovered documents file of vehicle no.HR-17A-4185 was checked which was purchased in auction on 06.11.2017 by Jasbir s/o Umed Singh r/o Gobindpura district Jind and found that for new motor registration of the vehicle was applied. At the time of registration, without getting the real ex-showroom price of the vehicle merely Rs. 16,000/- value of the vehicle was shown and the lesser tax thena ex-showroom value was deducted and nor any passing has been done by MVI on the form. Despite of showing of address by applicant of district Jind, registration has been done with Siwani authority by the competent officer. Merely after 10 days on 16.11.2017 NOC of the vehicle was issued for Kaithal. When the record of other aforementioned vehicles was checked, similar deficiencies were found.

Sh. Rajesh Kumar, Sub Divisional Officer (Civil) Siwani district Bhiwani at that time, Amit Kumar and Yashpal that time motor registration clerk and Deepak Thakral that time computer operator by registering the vehicle in connivance with owners and agents and

manipulating (khurd-burd)/forged the documents and by paying less amount in the Govt. treasury registering the vehicles without passing of the vehicles in the form have committed offence u/ss 201, 420, 467, 468, 471, 120-B IPC. On getting information from PS Siwani district Bhiwani, ASI Iqbal Singh 858/BWN alongwith staff has come present, who has handed over the of files of all the aforementioned 5 vehicles. In case any other official and person is found involved in the matter as per rules action would be taken during investigation.

Sd

*SI Karambir Singh 428/RTK
CM Flying Squad Rohtak
Dated 24.03.2021 ”*

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the above case on the ground that he alongwith others was involved in the commission of alleged offences of cheating, forgery etc. by doing re-registration of the auctioned vehicles at a much lesser price. He submits that the petitioner joined as a Clerk in the Office of SDO (Civil) Siwani on 08.09.2017 and remained there till 13.10.2017. According to him, the petitioner has been implicated on the basis of the disclosure statement suffered by his co-accused namely Yashpal, who was also working as a Registration Clerk in the same office. He has argued that the allegations contained in the FIR are mere irregularities or negligence on the part of the officials of the Department, therefore, no case regarding commission of alleged offences would be made out. According to him, the entire case of the prosecution is founded upon documentary material, therefore, the custodial interrogation of the petitioner may not be necessary and he prays for anticipatory bail.

On the other hand, learned State counsel assisted by ASI Jagdish has referred to the short reply by way of affidavit on behalf of Manoj Kumar, HPS, Siwani Mandi (Bhiwani) and argued that the petitioner was actively involved in the alleged crime as he alongwith other officials registered number of vehicles without even properly verifying the documents and the registration was done on extremely low price, thereby causing loss to the State Government. According to him, instead of raising any objections to such applications, the petitioner processed the same in connivance with various other beneficiaries, therefore, the custodial interrogation of the petitioner is necessary. He has further invited the attention of the Court to Annexure P-7, containing list of 58 vehicles, whereby cancellation of registration has been recommended in the public interest. Learned State counsel states that out of these 58 vehicles, the cases of 48 vehicles were processed by the petitioner. He has further drawn attention of the Court to certain names like Krishan s/o Attar Singh and Ravinder s/o Daljit Singh, who purchased number of vehicles and got the re-registration done without giving the correct addresses and their particulars. According to him, the custodial interrogation of the petitioner is necessary to find out and trace the actual beneficiaries. During the course of hearing, he has produced some of the applications, which even do not bear the signatures of the petitioner or any other clerk permitting the re-registration of the vehicle.

At this stage, learned counsel for the petitioner has argued that these vehicles were auctioned by the bank and many a times the purchase is by the agents, who would further sell these vehicles. According to Mr. Vashisth, learned counsel, once the documents which have not been signed

by the petitioner cannot be used against him as a proof of his involvement in the crime.

Here, learned State counsel has controverted the above stand of the petitioner as well, and produced the disclosure statement of Yashpal, who stated that such applications were deliberately not signed by him and petitioner-Amit Kumar as those applications were supported with forged documents. It was further highlighted that the ID and password for registration of vehicles used to remain with petitioner-Amit Kumar, who at times would prepare the Registration Certificate on his laptop while sitting away from office.

After hearing the learned counsel for the parties and considering the background of this case, this Court finds that as per prosecution number of registration certificates of auctioned vehicles were issued in favour of the purchasers by deliberately not following the proper procedure of verification, including the particulars of purchasers, much less the price of the vehicles. The re-registration was allowed by the petitioner and other co-accused staff members of the concerned Department, so *prima facie* the offence seems to be very serious as number of employees of the same department are involved. Concededly, the competent authority has even granted sanction to interrogate the concerned S.D.M as well. Thus, the stand of the learned counsel that the alleged omission of verification of the particulars of such purchasers amounts to negligence or irregularity is without any merit as the custodial interrogation may be necessary to unravel the truth and to find out how deep the roots of this crime has reached . Apart from it the information regarding correct particulars of the beneficiaries of

such purchasers is also to be gathered by the investigation agency. Resultantly, this Court does not find it to be a fit case for grant of extraordinary concession of anticipatory bail to the petitioner.

The petition is dismissed.

17.09.2021

Ali

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No