

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

**CRM-M No.39973 of 2021
Date of Decision:-07.12.2021**

Manoj Kumar

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. S.S. Duhan, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G, Haryana.

Mr. Sudhanshu Makkar, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.114 dated 22.05.2021 registered at Police Station Bhiwani Civil Lines, District Bhiwani, under Sections 120-B, 406, 420, 467, 468 and 471 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled by complainant Devender (as the Special Attorney of one Kuldeep Singh) in the subject FIR, are that said Kuldeep Singh purchased a vehicle

(Verna Car) bearing registration No.HR-26EC-1400 from the petitioner for a sum of Rs.4 lacs who swore an affidavit in this regard. Subsequently, the complainant came to know that the co-accused of the petitioner named Manjeet Jakhar was the owner of the said Car, which was earlier registered at Jhajjar with the registration No.HR-14K-4947 and he had secured a loan from Mahindra Finance Company against this vehicle but he, in collusion with the petitioner, forged the NOC (No Objection Certificate) of the said Finance Company and got a new registration certificate of this Car issued in the name of the petitioner from the office of the Registering Authority, Gurugram with a different number, i.e HR-26EC-1400, and then, they fraudulently sold the same to Kuldeep Singh.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner has contended that the petitioner is the actual owner of the said Car and it was his above-named co-accused who had secured the NOC from the concerned authority and the petitioner had no role to play in the alleged crime and he has been falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition.

However, learned State counsel has argued that the petitioner had also participated in the crime as he, in connivance with his co-accused, got a new registration certificate issued in his name with a different number, by presenting a forged NOC before the competent authority and

keeping in view the gravity of the offence committed by him, the present petition be dismissed.

It has categorically been mentioned in Para No.3 of the status-report that the said Car was, earlier, registered in the name of the co-accused of the petitioner and they, in collusion with each other, got the NOC issued in the name of the petitioner from the office of SDM, Jhajjar by way of tempering with the documents and on the basis thereof, the above-said fresh registration certificate was got issued from the office of SDM, Gurugram, with the above-mentioned new number, without the entry qua the afore-said loan therein. It has also been further mentioned in Para No.4 therein that during the investigation, it has been revealed that the loan of Rs.4,81,400/- was outstanding as on 30.09.2021 and no NOC qua the clearance of the loan amount, in respect of the vehicle bearing registration No.HR-14K-4947, had been issued by the said Finance Company till that day. To add to it, in Para No.9, it has also been deposed that the petitioner is involved in two more criminal cases besides the present case. In such circumstances, the possibility of the requirement of the custodial interrogation of the petitioner to elicit the truth regarding the *modus-operandi* adopted by him and his said co-accused in committing the alleged crime, cannot be ruled out.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

December 07, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*