

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

**CRM-M-4528 of 2021
Date of Decision:- 29.11.2022**

Waseem

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Simranjeet Singh, Advocate
for the petitioner.

Ms. N.K. Sheoran, DAG, Haryana.

Mr. Gagandeep Singh Sirpikhi, Advocate
for complainant.

KARAMJIT SINGH, J.

Prayer is for grant for anticipatory bail to the petitioner in case having FIR No.561 dated 29.08.2020 registered under Sections 406, 420, 120-B IPC, Police Station Baldev Nagar, Ambala.

The counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. That as per prosecution story the complainant intended to purchase second hand fortuner car and came into contact with the accused persons including the present petitioner and they went to a car showroom in Ambala, where accused persons had shown him one new fortuner car which

was standing outside the said showroom and they took Rs.19.5 lakhs from the complainant and went inside the said showroom on the pretext of completing all the formalities relating to purchase of car and he kept on waiting for them but they did not come out of the showroom and then the complainant went inside but the accused persons were not there and as such, the accused persons defrauded the complainant. The counsel for the petitioner further contended that there is no document with the complainant to show that he ever entrusted the aforesaid amount of Rs.19.5 lakhs to the complainant. The counsel for the petitioner further contended that as the complainant was intending to purchase second hand car, there was no occasion for the accused persons to show him a new car by taking him to showroom of cars situated in Ambala. The counsel for the petitioner further contends that the prosecution is relying upon one CCTV footage but even the same is not clear and it is a matter of evidence as to whether the said CCTV footage is of the showroom situated in Ambala. The counsel for the petitioner further contended that as per the income tax returns of complainant which are available with the police, the complainant was not having enough income to pay amount of Rs.19.5 lakhs for purchase of fortuner car. The counsel for the petitioner further contended that the petitioner has joined the investigation with the police and has fully cooperated with the police during the investigation.

The present petition is contested by the State counsel as well as the counsel for the complainant. Both of whom have argued that the petitioner and his accomplices defrauded the complainant of Rs.19.5 lakhs on the pretext of providing him one fortuner car and they failed to handover any such car and even did not return the aforesaid amount. The counsel for the complainant has submitted that the complainant is running his own business and is having regular income and he also took loan from other family members and friends and then handed over the said amount worth Rs.19.5 lakhs to the accused persons and till date the said amount has not been returned by them.

I have considered the submissions made by counsel for the parties.

The complainant/prosecution has failed to produce any document with regard to handing over of Rs.19.5 lakhs by the complainant to the petitioner and other accused persons. As has been submitted by the counsel for the petitioner, the complainant was not having enough personal resources to purchase a car worth Rs.19.5 lakhs. It is a matter of evidence as to whether he took financial assistance from his friends and family members to purchase a car worth Rs.19.5 lakhs. The petitioner has joined the investigation with the police. The State counsel on instructions from SI Lal Chand has apprised the Court that now the petitioner is not required by the police for any further investigation.

In the light of the above, without commenting on the merits of the case, the present petition is allowed and order granting interim bail dated 13.10.2021 to the petitioner is hereby made absolute subject to the condition envisaged under Section 438(2) Cr.P.C.

29.11.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No