

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

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CRM-M-3817-2021 (O&M)

Date of Decision: 14.09.2022

Amit Yadav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Aggarwal, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Tasveer Singh.

Mr. P.K.S.Phoolka, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.211 dated 24.12.2020 at Police Station Civil Lines Bathinda, District Bathinda, under Section 420 IPC.
2. The FIR in question was lodged at the instance of Baljeet Singh, wherein it has been alleged that Amit Yadav had approached him with a request that he is in need of an amount of Rs.7 lakhs and that he shall mortgage his 4 vehicles bearing registration Nos.PB11-AQ-8261, PB03-AW-4952, UP14-1523 & DL1Z-5747 as security. It has been alleged that the complainant believing aforesaid Amit Yadav (petitioner) advanced an amount of Rs.7 lakhs to him and an agreement was also executed in respect of the same and accordingly vehicles were given to the complainant by Amit Yadav. However, later it transpired that the vehicles

given to the complainant were not owned by the petitioner and in fact the complainant was summoned by the police in connection with the said vehicles and the vehicles were handed over to the police. It also transpired that in fact the accused had taken the said vehicles on rent from the original owner/s and the said fact had never been disclosed to the complainant. It has, thus, been alleged that the accused by holding a false representation being owner of the said vehicles had deprived the complainant of an amount of Rs.7 lakhs.

3. Learned counsel for the petitioner has submitted that the petitioner had never made any misrepresentation and that the factum of the vehicles being in the name of somebody other than the petitioner could have easily been verified and known to the complainant. Learned counsel has further submitted that in any case the petitioner has been cooperating with the investigation and has handed over the requisite documents to the police.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since it is apparent from record that the vehicles in question were never registered in the name of the petitioner, the complicity of the petitioner is clearly evident inasmuch as while handing over the said vehicles to the complainant, he deprived the complainant of an amount of Rs.7 lakhs. Learned State counsel has, however, informed that the pursuant to interim directions, the petitioner has since joined investigation, but is not fully cooperating inasmuch as the entire *modus operandi* of commission of offence is not being disclosed.

5. Learned counsel for the complainant has submitted that the petitioner is a habitual offender and that there are 3 other identical complaints pending against him.
6. This Court has considered the rival submissions.
7. Having regard to the nature of allegations, which are broadly to the effect that the complainant has been deprived of an amount of Rs.7 lakhs by way of handing over 4 vehicles by the petitioner as security, which were never owned by him, the modus operandi cannot be said to be unknown. The ownership of the vehicles in question can very well be ascertained by the police from the concerned Registering Authority. In these circumstances, this Court is of the opinion that this is not a case which warrants custodial interrogation of the petitioner. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 28.01.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.09.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**