

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

276

CRM-M-15460-2022(O&M)

Date of decision: 19.04.2022

PARDEEP

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Randeep Singh, Advocate
for the complainant.

VINOD S. BHARDWAJ. J. (ORAL)

Prayer in this petition filed under Section 438 CrPC is for grant of anticipatory bail to the petitioner in case FIR No.01 dated 01.01.2022 under Sections 407 and 120-B of the IPC, registered at Police Station Cheeka, District Kaithal.

Learned counsel appearing on behalf of the petitioner contends that the petitioner has been arraigned as an accused on the basis of a disclosure statement of Ravinder, who was driver of the complainant-Usuf Ali. It is contended that as per the said narration, the vehicle in question is claimed to have been sold with the intervention of the petitioner.

Counsel for the petitioner vehemently argues that the complainant Usuf Ali is not the registered owner of the vehicle and that the same stood registered in the name of Ranjit Singh and as such, the FIR at the behest of Usuf

Ali is an abuse of the process of law. He further submits that there is no evidence to link the commission of the offence to the petitioner and that he is neither named in the FIR nor any CDR/call details have been collected by the investigating agency to link the connectivity of the petitioner with co-accused Ravinder. He further placed reliance upon a self-declaration pertaining to sale of the said truck as a scrap claimed to have been executed by co-accused Ravinder Singh.

Mr. Kanwar Sanjiv Kumar, AAG Haryana has however, pointed out that as per the investigation conducted so far, the vehicle in question was although in the registered ownership of Ranjit Singh, however, the same having been hypothecated being financed from Equitas Small Fin Bank Ltd., hence, even though Usuf Ali had purchased the said vehicle, the registered ownership thereof had not been transferred in his name. The affidavit reflecting transaction pertaining to sale of the truck in favour of the complainant-Usuf Ali has been handed over to the investigating agency. He further submits that during the course of interrogation, co-accused Ravinder Singh has disclosed that he had managed to execute sale of the truck in question for a sum of Rs.2,95,000/- with the intervention of the petitioner and co-accused Suresh and Ishwar. The vehicle in question was sold out for a sum of Rs.2.95 lakhs and an amount of Rs.15,000/- was handed over to Ravinder Singh as his share from the sale proceeds and the balance amount of the sale proceed has been retained and appropriated by the petitioner and co-accused. He submits that custodial interrogation of the petitioner is required to unearth the racket that is being run by the petitioner.

Mr. Randeep Singh, Advocate appears on behalf of respondent-complainant and submits that the truck in question was insured wherein the valuation of the truck was shown as Rs.9.50 lakhs. Invariably, the said truck has been embezzled, surreptitiously and sold by the petitioner in connivance with co-

accused. It is further pointed out that the petitioner himself being a truck operator, it is a strong possibility that the clandestine usage of the truck may be carried out by the petitioner himself.

Besides, the fact that a self-declaration of co-accused claiming to have sold the truck as scrap and allegedly executed by co-accused Ravinder, being in possession of the petitioner itself shows the link and nexus of the petitioner and co-accused. It is apparent that the accused, in connivance with each other, are creating different versions of the incident.

Upon consideration of the rival submissions of the respective parties, I do not find it a fit case to grant the concession of anticipatory bail to the petitioner. Insofar as the reliance on the self declaration/sale of the vehicle allegedly at the behest of Ravinder is concerned, the said document appears to be an afterthought and further indicates towards the complacency of the petitioner co-accused Ravinder.

Instant petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

April 19, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>