

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

CRM-M-16714-2022 (O&M)

Date of Decision:- 23.9.2022

Avinav Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nipun Vashist, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana,
assisted by ASI Anil Kumar.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 336 dated 9.7.2018 under Sections 420, 467, 468, 471, 379, 411, 120B, 201 IPC at Police Station Beri, District Jhajjar.
2. The FIR was registered at the instance of Naresh Kumar, wherein it has been alleged that on 29.6.2018, an official of Punjab Police approached him and told him that one vehicle bearing registration No.HR-77B-5408, after getting petrol filled from a petrol pump near Mohali had fled away without making payment and when the police made inquiries from the registering authority i.e. from the office of Sub-Divisional Magistrate, Beri, it transpired that a bogus registration has been made in respect of 'Mahindra Thar' (HR-77B-5408) in complainant's name whereas infact the complainant is registered owner of Bolero vehicle bearing registration No.HR-77B-0598. During the course of investigation, the police collected evidence to the effect that the

original file of Bolero vehicle bearing registration No.HR-77-B-0598 was stolen by Rajesh Verma, who is working as a private typist and who handed over the same to one Amandeep, who further handed over the same to Vinod, who prepared false documents pertaining to 'Mahindra Thar' vehicle showing the same to be registered in the name of the complainant, although the registration number of the same was changed to HR-77B-5408, which is infact a bogus registration number.

3. It is further the case of prosecution that upon arrest of Amandeep, he suffered a disclosure statement categorically stating that Avinav who was having a stolen vehicle had asked him to get the same registered and that he had facilitated the same.
4. It is further the case of prosecution that pursuant to the aforesaid disclosure statement, the stolen vehicle was got recovered, which was parked outside the house of the petitioner.
5. The learned counsel for the petitioner has submitted that he has been falsely implicated in the present case on the basis of a disclosure statement allegedly made by Amandeep, which would hardly carry any evidentiary value. It has further been submitted that though the prosecution claims that the allegedly stolen vehicle was recovered from a place outside the house of the petitioner but the place immediately outside the house of the petitioner would qualify to be a public place and cannot be said to be the property of the petitioner so as to attribute the petitioner with possession of the said vehicle. The learned counsel has also submitted that the identity of the allegedly stolen vehicle cannot be established and as such, there being no

evidence to connect the petitioner with the alleged theft, he deserves the concession of anticipatory bail.

6. Opposing the petition, the learned State counsel has submitted that the factum of disclosure statement made by co-accused coupled with the recovery of vehicle from a place outside the house of the petitioner clearly shows the complicity of the petitioner and as such, the petition deserves dismissal.
7. This Court has considered rival submissions addressed before this Court. It is correct that petitioner is not named in FIR and that his name surfaced in disclosure statement of co-accused. The translated gist of the disclosure statement of Amandeep reads as follows :-

“.....I came in Beri Registration Authority to get the NOC of tractor then I met with Rajesh Verma. Rajesh Verma is doing work as typist in Beri Tehsil. My friend Abhinav son of Malik Singh caste Jat Sikh R/o Sirsa was having a stolen vehicle. He asked me to get registered the said vehicle from Beri Authority. Then I discussed about the same with Rajesh Verma who agreed to get registered the said vehicle. Then Rajesh stolen a file from registration office and handover to me. I have prepared a forged copy of said file from Vinod Photo Studio Fathehabad and gave both files to Rajesh Verma. Thereafter Rajesh Verma got registered the Thar vehicle from Beri Authority which registration No. HR-77B-5408. Thar vehicle was stolen by my friend Abhinav from Mohali Chandigarh. I know the address of Vinod Photo Studio and can catch him by accompanying you and the stolen Thar vehicle is in possession of my friend Abhinav and can recover the same and can catch Abhinav by accompany you.”

8. Pursuant to aforesaid statement, the police raided the disclosed premises and vehicle in question was recovered parked outside the house of petitioner. The stolen vehicle parked on a road/open space just outside the house of the petitioner would leave much to be explained on part of the petitioner as his contention that the road/open space outside his house is a public place cannot be accepted so as to observe that the said vehicle could not possibly have been parked there by the petitioner.
9. Having regard to the facts and circumstances of the case, particularly bearing in mind the factum of recovery of a stolen vehicle from outside the house of the petitioner, this Court does not find any special case for grant of anticipatory bail.
10. The petition is sans merit and is hereby dismissed.

23.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No