

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

205

CRM-M-21931-2022 (O&M)
Date of decision: 11.07.2022

ASHIF KHAN

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

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

Present : Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.837 dated 13.10.2021 under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

The present FIR has been registered against the petitioner on the statement of Satinder Kumar, wherein it has been pointed out that the complainant was the owner of one tanker of make Ashoka Leyland bearing registration No.HR-67B-5560 of Model 2014, which he used to operate on rent and had been gotten financed from HDFC bank. There was a monthly installment of Rs.18,400/- against the said tanker. The complainant stated to have sold the aforesaid vehicle in favour of the petitioner on 05.12.2020 for an agreed sale consideration of Rs.7,20,000/- which also included a liability on the petitioner to pay the remaining 37 installments of Rs.18,400/- each. A differential amount of Rs.40,000/- was received by the complainant. It was on assurance given by the petitioner to repay all pending/outstanding installments every month that the tanker in question was handed over to petitioner along with other accused. However, the said persons did not repay any installments and are also not returning the vehicle to the complainant.

Learned counsel appearing on behalf of the petitioner contends that the petitioner is originally not named in the FIR and what is stated is Javed @ Bobby whereas name of the petitioner is Ashif Khan son of Roshan Ali and that there is a discrepancy in the identity of the person named as an accused is disputed.

Learned State counsel has informed that as a matter of fact, mother of the petitioner had solemnized three marriages and that the petitioner has been using different parentage and names. As a matter of fact Javed @ Bobby is the petitioner himself and that a supplementary statement of the complainant to this regard was duly recorded. He further contends that the act of the petitioner in submitting different set of documents in order to induce the complainant to sell the property itself reflects a malicious intent on the part of the petitioner. The tanker in question is yet to be recovered and that the petitioner has no subsisting right to retain possession of the said tanker and also to not pay the installments, the liability whereof has now been fastened against the complainant. He contends that it is a case of well planned executed act of deceit and fraud carried out by the petitioner and that he is also involved in two more cases of similar nature. His antecedents thus do not inspire any confidence.

Noticing the facts as above and the repeated involvement of petitioner in similar cases, I do not find any reason to allow the present petition.

The same is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

July 11, 2022

S.Sharma(syr)

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