

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

226

**CRM-M-24686-2022
Date of decision: 20.07.2022**

AJAY CHAUDHARY

....Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present : Mr. Vikas Lochab, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of Regular bail to the petitioner in case bearing FIR No. 0020 dated 22.01.2021 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station City Charkhi Dadri.

2. Learned counsel appearing on behalf of the petitioner *inter alia* contends that the FIR in question was registered at the instance of the complainant namely M/s Cholamandalam Investment and Finance Company Ltd. As per the allegations set out in the FIR, the co-accused Partap Singh son of Jug Lal resident of VPO Gurera, Tehsil & District Bhiwani had approached the aforementioned finance company for the purpose of seeking financial facility for purchase of tractor SWARAJ 855-55 H.P. The said tractor was hypothecated by co-accused Partap Singh and the tractor thereafter was obtained on a premise that the same

shall not be disposed of till the entire loan amount, so advanced by the finance company, is repaid. However, without obtaining any NOC and on the strength of forged and fabricated documents, the tractor in question was sold by co-accused Partap Singh in favour of one Rajat Kumar.

3. Learned counsel contends that the petitioner is not named in the FIR and has not been attributed any role. Learned counsel further contends that as per the best case of the prosecution, the petitioner is alleged to have forged the documents to remove the hypothecation by submission of forged form No. 35. The substantive role pertaining to the further role of tractor in question was played by co-accused Partap Singh. He further contends that the investigation in the instant case is complete and upon effecting recovery of the case property, the final report under Section 173 of the Cr.P.C. has also been filed before the Illaqa Magistrate. Now no recovery is to be effected from the petitioner. He further contended that the case in hand is a magisterial trial and completion of the trial might take a long time. The petitioner is in custody since 25.02.2022. It is also pointed out that the petitioner does not have any criminal antecedents. He further contends that the co-accused namely Hawa Singh and Rohtash have also been extended the concession of regular bail by this Court vide order dated 20.05.2022 in CRM-M-21060-2022 and order dated 27.05.2022 passed in CRM-M-22234 of 2022.

4. Per contra, learned State counsel submits that the petitioner was the main conspirator along with co-accused Partap Singh. However, he could not controvert the fact that the finances for purchase

of the said vehicle were obtained by Partap Singh and that the petitioner was not the beneficiary of the sale proceeds received by selling the tractor in question. He further submits that the petitioner facilitated forgery of the document enabling sale of tractor. He however could not controvert the fact that investigation in the case is already complete and all recoveries, if any, already stand effected.

5. Hence, taking into consideration the role attributed to the petitioner, his criminal antecedents and the fact that he is not the beneficiary of the sale proceeds earned through sale of the tractor in question as well as the stage of trial and bail has already been granted to the co-accused as well as period of custody undergone, I deem it appropriate to allow the instant petition.

6. Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 20, 2022
Vishal sharma

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