

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

CRM-M-50802-2021

Date of decision:19.04.2022

PAWAN KUMAR RANA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant application has been filed under Section 438 Cr.P.C. FIR No.605 of 25.12.2018, constitutes therein offences under Sections 406, 419, 420, 467, 468, 471 read with Section 120-B of Indian Penal Code, and, is lodged at Police Station Sector-40, Gurugram, therein the incriminating offences are attributed to be committed by the bail petitioner.

2. The registered owner of WagonR car white colour bearing registration No.HR-55W-7043, had handed over the above car, to his driver one Dinesh, for its being deployed on a monthly rent of Rs.20,000/- hence with Uber Company. However, the principal accused Dinesh, despite being conditionally handed over the car (supra), by the registered owner, he neither on the request of the registered owner returned the car to him, nor he gave any money(ies), as became derived by him from its being plied with Uber Company. Consequently, in the afore factual background, the offences (supra), are carried in the FIR (supra).

3. Though, it is stated by the learned State counsel, that at the instance of the principal offender one, Dinesh, rather recovery of car

(supra), has been effected to the investigating officer concerned, and, also it is submitted by him, that thereafter the complainant has been handed over, on superdari, the above purportedly misappropriated car, through an order made by the learned Magistrate concerned.

4. Though, also from the above factual background, no incriminatory role is *prima-facie* yet surfacing against the present bail petitioner, nonetheless at this stage, the learned State counsel has drawn the attention of this Court, to a writing made by the present bail petitioner revealing, that he has sold the crime car, to Sandeep Lakra for a sum of Rs.1,50,000/-. The learned State counsel argues, that as a pre-condition for this Court proceeding to admit the bail petitioner to anticipatory bail, he be directed to deposit the sale consideration either before the investigating officer concerned, or in the establishment of the learned trial Magistrate concerned.

5. The learned State counsel also opposes the granting of the claimed relief to the petitioner, on the ground, that the registration certificate of the crime property i.e. the car, became forged, both at the instance of the principal accused one, Dinesh, and, at the instance of present bail petitioner, and, that the recovery of the purportedly forged registration certificate, is required to be effected, at the instance of the present bail petitioner, and, also at the instance of one Dinesh. In addition, he also submits, that the present bail petitioner is required to co-operate with the investigating officer concerned, in his supplying before the Executive Magistrate concerned, his specimen admitted handwritings for theirs becoming compared with the handwritings, and, signatures, if any, existing on the purportedly forged registration certificate(s), as became prepared

with respect to crime property.

6. The insistence, as made by the learned State counsel, that as a pre-condition for admitting the bail petitioner anticipatory bail is concerned, this Court may proceed to direct him to deposit some portion of the sale consideration of the crime property, before the investigating officer concerned, or the establishment of the learned Magistrate concerned, disbursements whereof shall become regulated, by the outcome of the trial, as becomes entered into by the learned Magistrate concerned, does become completely mitigated, through the learned counsel for the petitioner, on instructions given to him by the latter rather submitting, that as, and, when the complainant moves an application before the investigating officer concerned, seeking deposit of the sale consideration, as became drawn by him, from sale of the crime property, thereupon he shall forthwith deposit it, with the investigating officer concerned, for thereafter, its in accordance with law, becoming released to the registered owner of the crime property.

7. If so, the bail petitioner is in afore event, directed to ensure, that he deposits before the investigating officer concerned, the sale consideration of the crime property, and, if he fails to do so, the concession of anticipatory bail, as is being granted to the bail petitioner, shall become *ipso facto* vacated, leaving liberty to the investigating officer concerned, to forthwith arrest the bail petitioner, and, thereafter the latter shall produce the bail petitioner before the trial Court concerned, for the latter making an order for his being put to judicial custody.

8. Moreover, the bail petitioner is also required to render co-operation to the investigating officer concerned, especially qua his accompanying him before the learned Executive Magistrate concerned, to

purvey before him, his admitted, and, specimen signatures, rather for theirs becoming compared by the expert concerned, with the writings, if any, as purportedly attributed to the accused, and, as exist on the purportedly forged registration certificate.

9. Therefore, the application is allowed but with afore made conditions, and, also with a further clear mandate that in case any of the afore conditions become not meted compliance, thereupon, the concession of anticipatory bail would become *ipso facto* vacated, leaving liberty to the investigating officer concerned, to forthwith arrest the bail petitioner, and, thereafter the latter shall produce the bail petitioner before the trial Court concerned, for the latter making an order for his being put to judicial custody.

10. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to the afore conditions becoming meted compliance, and, with a further conditions of his furnishing personal, and, surety bonds in the sum of ₹25,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with the prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

11. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

19.04.2022

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Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No