

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

CRM-M-50657-2022

Date of Decision: 14.11.2022

Sonu Sheoran

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Sanchit Punia, Advocate for the petitioner

Mr.Munish Sharma, AAG, Haryana

ASHOK KUMAR VERMA, J.

This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory 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.

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.

Learned counsel contends that the petitioner is not named in the FIR and has not been attributed any role. Learned counsel further contends that the name of the petitioner figured in disclosure statements of co-accused Partap, Rohtash, Hawa Singh and Ajay. Learned counsel submits that the finances for purchase of the said vehicle were obtained by co-accused Partap Singh and that the petitioner was not the beneficiary of the sale proceeds received by selling the tractor in question. Learned counsel submits that co-accused, Partap Singh, Hawa Singh, Rohtash and Ajay have been granted regular bail. Learned counsel further submits that nothing is to be recovered from the petitioner and he is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, AAG, Haryana accepts notice on behalf of the State of Haryana.

Learned counsel for the State vehemently opposes the grant of anticipatory bail to the petitioner on the ground that the offence against the petitioner is serious in nature and his custodial interrogation is required. Learned counsel submits that the petitioner was one of the conspirators 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.

I have heard learned counsel for the parties and gone through

the paper-book.

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 bail has already been granted to the co-accused, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Accordingly, this petition is disposed of with a direction to the petitioner to join investigation and remain present for investigation, as and when called for. In the event of arrest, the petitioner shall be released on bail on furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the conditions as specified under Section 438 (2) Cr.P.C. In case the petitioner fails to adhere to the terms and conditions as envisaged in this order, the State would always be at liberty to revive this petition by filing an application in this regard.

(ASHOK KUMAR VERMA)
JUDGE

14.11.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No