

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-55458-2022 (O&M)

Reserved on 1.12.2022

Date of Decision: 5.12.2022

Prince Pathak

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Syed Shakeel Hussain, Advocate, for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.341 dated 18.9.2022 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sarai Khawaja, District Faridabad.

On notice of motion, Mr. Naveen Kumar Sheoran, DAG, Haryana has appeared on behalf of respondent No.1-State while Mr. Syed Shakeel Hussain, Advocate put in appearance on behalf of the complainant.

I have heard counsel for the parties.

Counsel for the petitioner has submitted that the petitioner is a broker and is dealing in luxury cars. He further submitted that the petitioner has been falsely implicated in the present case relating to sale of Lamborgini car by co-accused Ritik to complainant-Syaed Bilal Ahmed for total sale consideration of ₹ 2.3 crore and the said sale consideration included ₹ 70

lakh in cash, one Audi car worth ₹ 1.10 crores and another cash of ₹ 50 lakh, out of which, ₹ 10 lakh were deposited in the bank account of Ritik while ₹ 40 lakh were deposited in the bank account of one Sharmila.

Counsel for the petitioner has further submitted that after the said sale, it transpired that loan of ₹ 2 crore was standing against the aforesaid Lamborghini car and in order to offset, the said loan of ₹ 2 crore, one Ferrari car was given to the complainant by Ritik; that the complainant further gave another ₹ 10 lakh, out of which, ₹ 8 lakh were paid to one Gaurav Raj while ₹ 2 lakh were paid to the accused. He further submitted that there are also allegations that when the complainant went to take aforesaid Ferrari car from Hyderabad, co-accused Divesh Gandhi lodged FIR against the complainant and the present petitioner and thereafter, the said Ferrari car was taken on *spurdari* by co-accused Divesh Gandhi from the Court concerned at Secunderabad vide order Annexure P-5. He further submitted that even Audi car is stated to be in possession of co-accused Divesh Gandhi while Lamborghini car is in possession of the complainant; that the petitioner is not having custody of any of the three cars. He has further submitted that so far as the transaction relating to registration of said Lamborghini car on the basis of some forged documents with the concerned registration authority in Himachal Pradesh is concerned, the petitioner was not privy to the same and he had not committed any forgery and never gave any affidavit dated 20.8.2019 which has been taken into consideration by the Court of learned Additional Sessions Judge, Faridabad while dismissing the application moved by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail. Counsel for the petitioner has further argued that

nothing is to be recovered from the petitioner at this stage.

Counsel for the petitioner has further submitted that in order to show his bonafide, the petitioner is ready to give his specimen signatures for the purpose of comparison and prayer is made that the petitioner be granted interim protection.

Present petition is resisted by the State counsel as well as counsel for the complainant and they argued that the petitioner and other accused persons duped the complainant by selling him Lamborgini car for ` 2.3 crore on the basis of fake registration documents, as per which, the said car was transferred in the name of Ritik on the basis of release/auction by the Army Authorities, Meerut; that during the investigation, it was found that the aforesaid Lamborgini car was never auctioned or released by Vehicle Sub Depot, Meerut. It was further submitted that during the investigation, it was revealed that the petitioner gave affidavit dated 20.8.2019 relating to sale of aforesaid Lamborgini car, as per which, the said car was sold by the petitioner for ₹ 2.10 Crore and then it was registered with Registration Authority, Shimla (Rural) on the basis of fake documents showing its value as just ₹ 5 lakhs being purchased from Vehicle Sub Depot, Meerut, Army Cantt. It was further contended that the petitioner and other co-accused are required by the police for proper investigation of this case and as such, it was prayed that the present petition be dismissed.

I have considered the submissions made by the counsel for the parties.

From the reading of the FIR, *prima facie*, it appears that there was a nexus between the petitioner, Ritik and other accused persons who duped the complainant by selling him Lamborgini car which was never owned by Ritik and was later on, transferred in his name on the basis of

forged documents, as per which, the said car was auctioned or released by Indian Army authorities, Meerut Cantt Further, there are also allegations that the petitioner furnished false affidavit dated 20.8.2019 wherein he declared him to be co-owner of the said car along with Ritik.

In view of above, this Court is of the view that custodial interrogation of the petitioner would be required for proper investigation of the case. Thus, no ground is made out to grant anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed.

Any observations made hereinabove are not to be construed as expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

December 5, 2022
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No