

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

**CRM-M-4241-2023
Date of Decision: 10.04.2023**

Anil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Petitioner (Anil Kumar) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.314 dated 30.06.2022 (Annexure P-1), under Sections 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Model Town, District Rewari, Haryana.

On 22.02.2023, the following order was passed by this Court :-

“CRM-7638-2023

This is an application for placing on record the documents i.e. agreement and transaction details of the vehicle in question as Annexures P-5 to P-7.

Criminal Misc. Application is allowed, as prayed for and Annexures P-5 to P-7 are taken on record, subject to all just exceptions.

CRM-M-4241-2023

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.314 dated 30.06.2022, registered under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860, at Police Station Model Town, District Rewari Haryana.

Succinctly, the above-said FIR has been registered on the statement of one Himanshu Yadav, who had submitted a complaint against Rishpal son of Virender and Sahil son of Ashok Kumar. It is, inter alia, alleged in the complaint that Rishpal had taken cars (Maruti Suzuki Breeza and Hyundai Venue), on rent by executing an agreement in that regard. It is submitted that car made Hyundai Venue, was taken by Rishpal for his brother-in-law namely, Sahil. It is further stated that Rishpal had also taken another car (Maruti Suzuki Swift) from the complainant on rent basis for four years. It is alleged that after paying some rent, they both stopped paying the rent and upon inquiry, it was found that Rishpal and Sahil had sold out the 'Breeza' car to one Ravi Parkash son of Rajpal by cheating and producing another lady in place of Neha Yadav (wife of Himanshu Yadav). It is alleged that when Rishpal was confronted regarding sale of car, then he had threatened the complainant and had also stopped taking up the phone calls. On the basis of the allegations made in the complaint, the FIR in question was registered.

Learned counsel for the petitioner contends that the petitioner is innocent and has falsely been implicated in the present case on the basis of disclosure statement of main accused-Rishpal. He further submits that the petitioner is not named in the FIR. It is submitted that there is an un-explained delay of almost two months in lodging of the FIR in question. Learned counsel further submits that the allegation of cheating are there against co-accused-Rishpal and Sahil,

who sold the car to the petitioner and the only role of the petitioner is that he had purchased the said car after paying the consideration amount to the seller. He further submits that there is neither any proof nor any witness to connect the present petitioner with the alleged cheating. It is submitted that co-accused-Rishipal and Sahil, from whom the alleged recovery of vehicle has been effected, have been granted regular bail by the Additional Session Judge, Rewari, vide orders dated 26.10.2022 and 26.09.2022 (Annexures P-2 and P-3, respectively), whereas, the pre-arrest bail applied by the petitioner has wrongly been dismissed by the learned Additional District and Sessions Judge, Rewari, vide order dated 19.01.2023 (Annexure P-4). Learned counsel further submits that the petitioner is not involved in any other case except the present one. Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Ram Kumar Singla, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence.

Keeping in view the fact that the petitioner was not named in the FIR and his name had figured in a disclosure statement; coupled with the fact that the co-accused namely, Rishipal and Sahil, from whom the alleged recovery has been effected, have already been granted regular bail, this Court is inclined to grant interim bail to the petitioner.

List on 10.04.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating

agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Sub Inspector Sanjay Kumar, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 22.02.2023, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

10.04.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No