

105

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 39460-2023
Date of decision: 11.08.2023*Sonu**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

-.-

Present: Mr. Sanchit Punia, Advocate
for the petitioner

-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 329 dated 21.10.2021, registered under Sections 420 and 120-B of the Indian Penal Code, at Police Station Urban Estate Hisar, District Hisar (Annexure P-1).

It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner has been involved in the case for motivated reasons on the basis of the alleged disclosure statement of the co-accused. As per the story of the prosecution, the petitioner is alleged to have forged NOC of the finance company, so as to get hypothecation removed for facilitating sale of the vehicle. However, the petitioner is not even owner of the said vehicle. The said vehicle was allegedly purchased by accused Mukesh. Therefore, the petitioner cannot have any role qua the said vehicle. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Randhir Singh, Additional Advocate General Haryana accepts the notice on behalf of the respondent - State.

Counsel for the State has submitted that the name of the petitioner has duly surfaced in the disclosure statement of the co-accused. As per the disclosure statement, the petitioner was a part of the gang, which purchases vehicles through finance and then sells the same by fabricating the documents. Even the loan amounts are not cleared by them. The petitioner had forged NOC of the finance company. However, it is not disputed that the vehicle; regarding which NOC is allegedly forged; was purchased by accused Mukesh and only he could have sold the said vehicle.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

August 11, 2023

mohan bimbra	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No