

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

109

2023:PHHC:165635

CRM-M-65114-2023

Date of decision: December 22nd, 2023

Dinesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manish Mehta, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.306 dated 04.12.2022 under Sections 406/420 of the IPC registered at Police Station Nangal Chaudhary, District Mahendergarh.

2. Learned counsel for the petitioner, *inter alia*, contends that he has been falsely implicated in the present case for allegedly duping the complainant to the tune of more than ₹8,500,000/- by selling his Tata vehicle after taking it on rent from the complainant. He submits that his false implication finds credence from the fact that there was an unexplained delay of more than seven months in the lodging of the FIR in question. He further submits that it is a matter of record that the vehicle in question stood already recovered from Manipur; Thus, his custodial interrogation would serve no useful purpose as no recovery was required to be effected from him.

3. On a pointed query put to the learned counsel qua his antecedents, he submits that there are two criminal cases pending against the petitioner.

4. Notice of motion.

5. On the asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

6. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been contended that the petitioner's custodial interrogation is required keeping in view the nature of allegations and his involvement in other case of similar nature.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. *Prime facie*, there are specific allegations against the petitioner of having duped the complainant after taking his vehicle, on a false pretense of rent, and subsequently selling it in the State of Manipur. No doubt, the recovery of the vehicle has already been effected, however in view of his the gravity of the offence as well as his criminal criminal antecedents, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

9. The instant petition stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 22nd, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No