

283/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:30.01.2024

(i) CRM-M-1891-2024

Utsav ...Petitioner

vs.

State of Haryana ...Respondent

(ii) CRM-M-1972-2024

Sandeep Kumar ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Tejinder Pal Singh, Advocate
for the petitioner in CRM-M-1891-2024.

Mr. Parveen Sharma, Advocate
for the petitioner in CRM-M-1972-2024.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-1891-2024, titled as Utsav Vs. State of Haryana and CRM-M-1972-2024, titled as Sandeep Kumar Vs. State of Haryana, whereby the petitioners have prayed for grant of bail to them in case FIR No. 290 dated 16.09.2023 registered under Sections 420, 467, 468, 471 of IPC (Sections 511, 120-B, 186, 34 of IPC added later on), at Police Station Murthal, District Sonipat.

2. The FIR in the present case was registered on the basis of statement made by Randhir Singh, Incharge Parking Receipt, Driver Training Centre,

Murthal and the same has been reproduced below:-

“ To, The Police Station Murthal (Sonipat), Sir it is requested that Randhir Singh driver number 580 and Krishna Kumar driver number 574 have been deputed as per the order of G.M. Murthal to monitor the parking vehicles at the main gate of Driver Training Centre Murthal and for keeping the record of the vehicles parked, which are seized being overloaded by the R.T.O. and the Enforcement Team and after paying the challan, there is a duty to release them after taking the parking fee. So today on 16-09-2023 at around 11:23 A.M, vehicle number HR46F- 9733 and HR46F-6545 were stopped for overloading by the enforcement team. So around 2:00 PM the drivers of the above mentioned vehicles brought the photocopy of the fine deposit receipt to release the vehicle and presented it to us which is in our records, then we suspected them that it was Saturday and the office was closed. Due to this, the fine could not be paid so quickly. So when we inquired at the R.T.O office, the R.T.O officials informed that the challan receipt was fake and during this period the owner of both the vehicles had come to get the vehicles released. When he asked his name and address, he gave his name Virender S/o Ranbir Village Jindaran (Kalanour) District Rohtak. After that we informed the police by dialing 112 and similarly on date 06-09- 2023 vehicle number RJ52GB-2483, and on date 12-09-2023 vehicle number RJ52GB-2483, the owner/drawer of number RJ 52GA-8114, name and address, unknown fake receipt, submitted a photocopy of the fine and took away their respective vehicles. Virender, the above mentioned vehicle number HR46F-9733 and HR46F-6545, showing to have paid Rs.39,000/- plus Rs.31,000/- totalling Rs.70,000/- and the loss has been caused to the Haryana Government. And similarly vehicle number RJ52GB-2483 charged Rs.1,70,500/- and vehicle number RJ52GA-8114 charged Rs.1,51,000/-. They, in collusion with some unknown person caused a loss to the Haryana

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Government by preparing fake receipts in the name of the RTO office, which is a total of Rs.3,91,500/-. The above amount should be recovered from the above mentioned vehicle driver/owners and legal action should be taken against them. The owner of vehicle number HR46F-9733 and HR 46F-6545 was caught at the spot and handed over to you and both the above vehicles are closed in D.T.I Murthal. The remaining two vehicles have been released due to fake receipts and having no address on them. Photocopies of the fake receipts of the above four vehicles are attached. Legal action should be taken against them. Thanks SD/- Randhir Singh.”

3. Learned counsel for the petitioners contend that the petitioners have been falsely involved in the present case. A mobile phone and Rs.1,800/- were recovered from Utsav, petitioner, whereas, Rs.1,300/- was recovered from Sandeep Kumar, petitioner. Both the petitioners were arrested in the present case on 21.09.2023 and are in custody for the last about 4 months. The police had conducted the investigation and all the incriminating evidence has already been collected by the police. The final report under Section 173 Cr.P.C. has already been presented before the Court and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners had forged the claims and have caused huge lose to the State exchequer.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, both the petitioners were ordered to be arrested on 21.09.2023 and are in custody for the last about 4 months. The case is based on the documentary evidence and the said evidence has already been collected

by the police. Even otherwise, the final report under Section 173 Cr.P.C. has already been presented and no useful purpose would be served by keeping the petitioners behind bars.

7. Without commenting on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

30.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No