

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

CRM-M-7017-2024

Date of Decision:-15.02.2024

Ramesh Chand.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Manoj Kumar Advocate for the Petitioner.

Mr. R.K. Singla, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.121 dated 12.05.2021 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Sadar, Hansi.

2. The present FIR came to be registered at the instance of Jangbir Singh son of Sh. Rajender Singh which reads as under:-

“ To The Incharge, Police Chowki Bhatla. Sub: Regarding handing over a car fraudulently by giving fake RC of Car No.DL-3CQ-1223. Sir, It is submitted that I, Jangbir son of Rajender Singh, Caste Jaat, am resident of Khoka and do the work of agriculture. I am personally known to Sandeep Yadav son of Shyam Sunder, H.No.425, C/3, Block J-1, Sangam Vihar, Delhi-110 062. M.No.8368828777 who got me purchased a car No.DL-3CCQ-1223 documents of which are in the name of his friend Rajiv Kumar son of Chheda Lal, H.No.63, Gali No.24, Ashok Vihar, New Delhi, DL110052, by paying full price of Rupees Five Lakhs Eighty Five Thousand on dated 23.01.2020. That on the same day the said vehicle and duplicate RC of the vehicle was

given by Sandeep Yadav and his friend Sushil Kumar Sharma, M.No.9625033922, 9650459200 at Bus Adda village Bhatla, and had taken full payment in cash from me. I got executed the agreement of said vehicle on dated 23.12.2020 in the name of my friend Sandeep son of Sher Singh, Caste Nayak, resident of Sainipura and on the same day I paid commission of Rupees Five Thousand on the saying of above Sandeep Yadav, by PhonePe UPI No.035811991064 and 035811995467 Sandeep Yadav had said that within one month he would transfer the vehicle in my name after issuing NOC. That after the expiry of time period Sandeep started postponing for transferring the vehicle in my name and made the excuse of the death of his uncle. I contacted many times to him but Sandeep stopped picking up my phone. On this I submitted a complaint No.520-5P dated 09.04.2021 against Sandeep in Police Station Palam Vihar, Gurugram but Sandeep Yadav has not got transferred the said vehicle in my name till today and not handed over to me the original documents. I have doubt that above Sandeep Yadav, Sushil Kumar Verma and Rajiv Kumar son of Chheda Lal have made a group who do the sale purchase of vehicle by making fake documents. These three together has taken fraudulently full price of the vehicle and nor have given me the original documents of the vehicle. Sandeep Yadav had given me duplicate RC of vehicle No.DL-3CCQ-1223 and the Engine No. and Chasis No. do not tally with the Engine No. and Chasis No. of the vehicle. These three have committed fraud with me by giving fake documents of the vehicle after preparing. Therefore, it is requested that action be taken against above persons and justice be given to me. Sd/- Jangbir."

3. The Counsel for the petitioner contends that *prima facie* no case is made out against him. The alleged amount of Rs.5,85,000/- was paid to Sandeep Yadav and the duplicate RC of the vehicle in question has also been handed over by Sandeep Yadav and his friend Sushil Kumar Sharma to the complainant. At no stage did the petitioner accompany the said accused to hand over the vehicle or the forged documents to the complainant.

Sandeep Kumar Yadav had been granted the concession of anticipatory bail

whereas his co-accused Sushil Kumar Verma had been granted the concession of regular bail. As the petitioner was in custody since 19.01.2024, he was entitled to the concession of bail as well.

4. The Counsel for the State on the other hand contends that during the investigation it transpired that it was the petitioner who had sold the car bearing registration number DL3CCQ-1223 to the complainant under the name of Rajiv Kumar. The registration certificate of the car in the name of Rajiv Kumar is a forged one. The petitioner had even forged the signatures on the agreement to sell entered into with the complainant. In fact it was the petitioner who was handing over the keys of the car to the complainant as per photographs collected during the investigation. Therefore, the nature of the allegations levelled against him did not entitle him to the grant of bail. He however, concedes that the co-accused Sandeep Yadav has been granted the concession of anticipatory bail whereas Sushil Kumar Verma had been granted the concession of regular bail.

5. I have heard learned Counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 19.01.2024 and two co-accused namely Sandeep Yadav and Suhil Kumar Verma have been granted the concession of anticipatory bail and regular bail respectively. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ramesh Chand** son Sh. Parkash Chand is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 15, 2023
Vinay

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