



CRM-M-8404-2024

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**213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8404-2024

Date of Decision: 08.07.2024

Bablu Petitioner
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lakhan Paul Garg, ADvocate for
Mr. Balraj Singh Sdihu, Advocate, for the petitioner.
Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.325 dated 27.07.2023, registered under Sections 406, 506 IPC and Sections 120-B, 420 IPC added lateron, at Police Station Ellenabad, District Sirsa.
2. Adumbrated facts of the case are that complainant Mangal Singh, lodged a complaint with the Police, wherein, it was alleged that he owned one tractor Eicher 55 bearing registration No.HR44-M-3216, which was financed from L&T Finance Company. Bablu son of Ishwar Dass (petitioner) approached him and told that construction work of highway was going on in Gujarat, where, tractor on rent @ Rs.3,4000/- per month was required. On his assurance, the complainant took his tractor to Gujarat, where initially he was paid rent but thereafter, no rent was paid. On asking by the complainant, Bablu threatened him with dire consequences. Neither the tractor was returned nor any rent was paid to the complainant. The complainant found that Bablu defrauded many other people and thus, a request was made to take legal action against the culprits. On the basis of the complaint, FIR was registered and the investigation commenced. The



petitioner was arrested on 02.08.2023. He approached the Court of learned Sessions Judge, Sirsa for grant of bail, however, the same was declined vide order dated 13.10.2023. Hence, the petitioner has approached this Court by way of filing the present petition for grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner is the driver of the tractor and he has no concern with the tractor as alleged by the complainant. Precise submission made by counsel for the petitioner is that the petitioner has no complicity whatsoever as alleged in the FIR lodged by the complainant.

4. However, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that on conducting the enquiry, complicity of the petitioner has been, *prima facie*, found in this case. He submits that the petitioner has defrauded several other persons as well. It is further submitted that one another FIR No.369, dated 26.07.2023, under Sections 420, 406, 406 IPC at Police Station Jawahar Nagar, District Ganganagar (Rajasthan) is also registered against the petitioner. The trial has commenced and out of total 13 prosecution witnesses, only 3 witnesses have been examined. He submits that co-accused Lala Bhai is yet to be arrested and thus, the petitioner has no case for grant of regular bail.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was specifically named in the FIR by the complainant himself. It is on the assurance of the petitioner, the complainant had taken his tractor to Gujarat. The tractor as alleged, was

financed by the L&T Finance Company. Though initially for few months rent was paid to the complainant, but thereafter, neither the rent was paid nor the tractor was returned. Recovery of the tractor remains to be effected till date as submitted before this Court. Co-accused Lala Bhai is yet to be arrested by the Investigating Agency. Besides this, it is found during the investigation that the petitioner has defrauded many other similarly situated persons. There is one more FIR No.369 dated 26.07.2023 pending against the petitioner. In these circumstances, the Court does not find any ground for the grant of regular bail to the petitioner at this stage. Hence, the present petition is dismissed as such.

7. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

08.07.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/Nos