

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9666-2024
Date of Decision: 01.04.2024
2024:PHHC: 043242

ARVIND SHARMA @ ARVIND MISHRA @ ARVIND KUMAR

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Harsh Chopra, Advocate, for the petitioner

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Anurag Arora, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.42 dated 22.03.2023 registered at Police Station Sadar Jalandhar.

2. Ld. counsel contends that initially FIR was registered under Sections 385/417/420/447/448/506/120-B IPC, in which petitioner was arrested and later on granted regular bail by the Court. However, during investigation, Sections 482/468/465/467/471 IPC have been added and now, he is sought to be arrested.

3. As per the status report filed by way of affidavit of Shri Sukhninder Singh, PPS, Assistant Commissioner of Police, Sub Division V, Cantonment Jalandhar on behalf of the respondent-State, complaint was made by one Kavita Ghai alleging that petitioner in connivance with co-accused Harmeet Singh with *mala fide* intention had grabbed her flat and in order to

show his possession on the flat of the complainant, petitioner prepared a fake Aadhar card, in which he disclosed his address to be that of the flat of the complainant. Petitioner with co-accused Harmeet Singh claimed to have taken the flat on rent from complainant Kavita Ghai but on investigation, it was found that no such rent agreement was ever entered and petitioner had illegally grabbed the flat. Not only this, petitioner along with Harmeet Singh alleged to have demanded ₹40 lakh from the complainant to vacate the flat.

4. After registration of the FIR, accused Harmeet Singh was arrested on 22.03.2023. Petitioner was already in custody in another case FIR No.12 dated 21.03.2023, under Section 7 of the Prevention of Corruption Act, 1988 and Section 120-B IPC registered at Police Station Vigilance Bureau, Phase-I, Mohali (Punjab). After obtaining the production warrant, petitioner was arrested in the present case on 06.04.2023. During the course of investigation, petitioner suffered disclosure statement to have amassed illegal money by making false complaints against innocent persons. He also disclosed that he had purchased one Polo Car bearing PB-08-FC-7779 for an amount of ₹3,15,000/- with illegal money. He got recovered the said car. Later on, petitioner was released on bail by Sessions Judge, Jalandhar on 17.02.2024. However, after release on bail, petitioner applied for release of Polo car on superdari. Upon verification, it transpired that registration No.PB-08-FC-7779 of Polo car was in fact the registration number of TATA Nexon in the name of United India Insurance Company. The chassis number of Polo car, as recovered from the petitioner, revealed its number to be PB-01-N-0941 and thus, petitioner had prepared forged registration No.PB-08-FC-7779 and because of these facts, Sections 465/467/468/471/482 IPC were added.

5. Ld. counsel contends that he is ready to join the investigation and that the case is dependent upon the documentary evidence.

6. It is not disputed by ld. State counsel that petitioner has remained in custody in the present case from 06.04.2023 till 17.02.2024, when he was granted regular bail. It is only on account of addition of offence under Sections 465/467/468/471/482 IPC during investigation that he sought to be arrested.

7. Considering the above facts and circumstances, but without commenting on merits of the case, this petition is allowed. Petitioner is directed to be released on bail in the event of his arrest to the satisfaction of arresting officer, subject to his joining the investigation and co-operate in the same. He shall also abide by all conditions contained in Section 438(2) Cr.PC. In case of non-cooperation on the part of the petitioner, respondent/State will be at liberty to approach this Court for cancellation of the anticipatory bail.

01.04.2024

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes
No