



CRM-M-13951-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH  
CRM-M-13951-2024  
Date of decision: 17<sup>th</sup> September, 2024

Kamal  
Versus  
State of Haryana and another  
...Petitioner  
...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.  
Mr. Neeraj Poswal, AAG, Haryana.  
Mr. Amit Rishi, Advocate for respondent No.2.  
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MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 528 dated 30.09.2022 registered under Sections 120-B, 420, 467, 468 and 471 of IPC, 1860 at Police Station City Sohna, District Gurugram.

2. The prosecution case in nutshell is that on 30.09.2022, a complaint was filed by the Sub Divisional Officer (Civil), Sohna District Gurugram before SHO PS City Sohna alleging therein that an application was moved before his office for deleting/cancelling an endorsement made on the registration certificate of vehicle bearing No. HR-72G-4487 for qua getting that vehicle financed/hypotehcated and on that application, the endorsement made on the registration certificate with regard to the securing loan had been removed/deleted on the basis of clearance certificate issued by bank. It was alleged that on 30.09.2022, the same person who had moved an

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application for getting the endorsement deleted from the registration certificate, had appeared before the complainant for getting the registration number of the same vehicle changed and for its transfer. On suspicion, inquiry was made and it was revealed that the document qua clearance of loan was forged. While informing that the suspect had been detained in the office of complainant, prayer was made for taking action in the matter as it appeared to be a case of cheating/forgery. On receipt of this complaint, a case under Sections 420, 467, 468 and 471 read with Section 120-B of IPC was registered. Investigation proceedings were initiated. The accused Alkhand @ Lucky who had appeared before the police was taken into custody. He was interrogated and suffered disclosure statement admitting his involvement in the subject crime and also took the names of the petitioner and some other persons thereby disclosing their complicity in the crime. On the basis of his disclosure statement, the petitioner was arrested. Co-accused were also arrested.

3. As per the further allegations, it was revealed that the petitioner who was registered owner of the vehicle bearing No. HR72G-4487 had taken loan from Yes Bank, Sector 14, Gurugram Branch. He in connivance with the co-accused had prepared fake and false documents of clearance of loan and had got removed entries made on the registration certificate on the basis of a forged Form No. 35 representing that the same had been issued by the loanee bank whereas, infact the loan on the above said vehicle was still outstanding. Investigation has since been completed. Challan has been presented before the court. The petitioner had moved an application for grant



of regular bail which was dismissed by learned Additional Sessions Judge, Gurugram vide order dated 27.02.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 29.11.2023. Subject offences are triable by Magistrate. The entire loan amount due to the loanee bank, stands paid by now. The co-accused Alkhand has been extended benefit of bail. On parity, the petitioner too deserves to be given the same benefit. The trial is likely to take time. No useful purpose would be served by keeping him in custody. He has a permanent abode. There are no chances of his absconding. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State.

5. Learned counsel for respondent No.2- Loanee Bank has submitted that the entire outstanding amount of loan stands paid by the petitioner to the bank.

6. Learned State counsel has, however, argued that keeping in view the nature of the allegations as levelled against the petitioner and the part attributed to him in commission of the offences of forgery and cheating, he does not deserve to be extended benefit of bail especially because of the fact that he was the main beneficiary of the forgery.

7. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

8. As per the allegations, the petitioner who was registered owner of the vehicle bearing No. HR-72-G-4487, in connivance with the co-



accused had prepared a forged document purported to have been issued by the respondent No.2 regarding clearance of the loan outstanding against him against hypothecation of the above vehicle and by using that forged document, as a valuable security, he got the entries made on the registration certificate of the said vehicle qua the same being hypothecated, discharged/removed and further even tried to transfer this vehicle elsewhere. The offences for which he has been booked are, however, triable by Magistrate. The petitioner is in custody since 29.11.2023. As already observed the outstanding amount of loan has since been paid by him to respondent No.2. The trial is likely to take time. No useful purpose would be served by keeping him in custody. It is well settled proposition of law that bail is the rule and jail is an exception. As per the discussion made above, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

17<sup>th</sup> September, 2024

|                |                               |   |          |
|----------------|-------------------------------|---|----------|
| Parveen Sharma | 1. Whether speaking/ reasoned | : | Yes / No |
|                | 2. Whether reportable         | : | Yes / No |