



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M No.32806-2024

Date of decision: 30.08.2024

KULDEEP SINGH

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 246 dated 03.11.2021 registered under Sections 420, 467, 468, 471, 506 read with Section 34 of IPC, 1860 at Police Station Sadar Tohana, District Fatehabad. Offences under Sections 467, 468 and 471 of IPC were deleted and offence under Section 120-B of IPC was added later on.

2. Vide order dated 15.07.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 15.07.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre-arrest bail in case arising out of FIR No. 246 dated 03.11.2021 registered under Sections 420, 467, 468, 471, 506 read with Section 34 of IPC, 1860 at Police Station Sadar Tohana, District Fatehabad. Offences under Sections 467, 468 and 471 of IPC were deleted and offence under Section 120-B of IPC was added



subsequently. This FIR has been registered against the petitioner on the basis of a written complaint filed by the complainant Ram Prashad alleging therein that he was a small farmer. The accused Satish Kumar who was an agent of L&T Finance Company, Sirsa, induced him to get purchased a tractor on finance basis by taking loan from L&T finance company by representing that by putting the complainant in some scheme whereby the lesser amount of money was required to be paid as installments of loan, he would get loan secured him without interest and he could purchase a new tractor at the rate of old tractor. On being induced by him, the complainant provided copies of his own Aadhar card, Ration card, Coter card, PAN card, photographs and also signed several papers and even handed over four blank cheques to the accused Satish Kumar on his asking. The accused Satish, however, did not provide any loan to him and kept on him putting by matter one pretext or the other. Then in July, 2018, some agent of L&T Finance Company namely Manjeet came to him and told him that the installments qua the tractor he so financed were due, though he had not purchased any such tractor. The complainant then came to know that the accused Satish in connivance with the co-accused had purchased a tractor on his name and transferred it to one Amit Kumar. Therefore, he prayed for taking action in the matter.

The accused Amit Kumar was arrested during the course of investigation and he suffered a disclosure statement that he in connivance with accused Satish Kumar and Dilbagh Singh had brought a tractor in the name of the complainant on the basis of documents



belonging to the complainant. Even the bill was issued in the name of the complainant. He along with co-accused Dilbagh Singh had allegedly sold this tractor to the present petitioner. In view of his statement, the name of present petitioner was also nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fatehabad, which was dismissed vide order dated 01.07.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. There is delay of three years in lodging of the FIR. He has been involved in this case only on the basis of disclosure statement of co-accused Amit Kumar which is not admissible in evidence. He had never purchased any tractor from anyone nor any amount for purchase of any tractor had been given by him to the co-accused or to the complainant. His custodial interrogation is not required. No recovery is to be effected from him. No purpose would be served by detaining him in custody. As per the bank record, no outstanding loan is due against the tractor which is allegedly purchased in the name of the complainant. Therefore, it is argued that he deserves to be given concession of pre-arrest bail.

Notice of motion.

On asking of the Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of the respondent-State and seeks time to file status report.

Adjourned to 30.08.2024.



In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report dated 28.08.2024 filed on behalf of the respondent-State is taken on record. Copy thereof, has been supplied to counsel opposite.
4. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 28.07.2024 and he is not required for custodial interrogation.
5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 15.07.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

30.08.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No