



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-36136-2023 (O&M)
Date of decision: September 25th, 2024

Rashpal Todd and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Rameeza Hakeem, Advocate
with Ms. Diya Sodhi, Advocate
for the petitioners.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

Mr. Wills Mathews and Ms. Nanditta Batra, Advocates
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.338 dated 07.07.2022 under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code, 1860, registered at Police Station Palam Vihar, District Gurugram.

2. Vide order dated 08.07.2024, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel appearing for the petitioners has submitted that at the very first instance, the allegations levelled in the FIR clearly lack the elements necessary to constitute the alleged offences. The FIR itself indicates that the registration of the purported fake chassis number took place after the loan had already been secured by the petitioners company. Thus, even if the allegations for the sake of arguments, were accepted as true, no inducement by the



petitioners could have been attributed since the loan had been granted much prior thereto.

Furthermore, it has been contended by the learned counsel for the petitioners, based on the status report filed by the State that the bank officials who inspected and verified the cars for the loan application stated that he did not check the chassis number, as it was not required by the Reserve Bank of India's guidelines. Learned counsel for the petitioners has also argued that even if the allegations of submitting false chassis number are assumed to be true, the relevant provisions of the Motor Vehicles Act, 1988 would apply. Under Section 192 of the Motor Vehicles Act, 1988, the prescribed punishment ranges from six months to one year and the offence is compoundable.

Additionally, it has been asserted by the learned counsel for the petitioners that the company that obtained the loan is undergoing proceedings under the Insolvency and Bankruptcy Code, 2016 (IBC), with a moratorium under Section 14 in effect, requiring all legal actions against the company to be suspended. Similarly, the petitioners are subject to IBC proceedings, and moratorium under Section 95 mandates that all legal proceedings against the petitioners be kept in abeyance during the moratorium period. Learned counsel has further submitted that though six other FIRs have been registered against the petitioners arising out of similar loan application, however, attention of this Court has been drawn to page 84 of the compendium which has been placed on record by the learned counsel. It has been submitted that the petitioners have since been extended the concession of bail in all the other FIRs which stand registered against them by the Hon'ble Supreme Court whereas in one of the FIRs the parties have arrived at an amicable settlement. Learned counsel appearing for the State assisted by the counsel for the complainant have, however, yet again opposed the prayer and submissions made by the counsel opposite.

Learned counsel for the State, however, has not disputed that chassis number of the cars was not required to be verified as per the guidelines of the RBI. With respect to



the petitioners having been extended the concession of bail by the Hon'ble Supreme Court in the other FIRs which stand registered against them, the learned counsel for the State as well as the counsel for the complainant have feigned ignorance and prayed for some time to get relevant instructions.”

3. Learned counsel for the petitioners submits that in compliance of order dated 08.07.2024, the petitioners have joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. She, on further instructions, submits that the petitioners are not required for further investigation much less for their custodial interrogation.
5. In view of the above, the petition is allowed and interim order dated 08.07.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

September 25th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No