

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRR-2075-2023 (O&M)
Date of Decision: 12.01.2024

Kailash Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Singh, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
14	21.01.2021	Sector 17, HUDA, Jagadhri	420, 409, 467, 468, 471, 120-B IPC and 7, 8, 9, 13 of PC Act

1. Aggrieved by the dismissal of application by the Additional Sessions Judge, Jagadhri vide order dated 18.04.2023, seeking release of vehicle, its registered owner, who is the second purchaser, has come up before this Court by filing the present revision petition under Section 401 CrPC.

2. Facts of the case are being taken from reply dated 07.11.2023 filed by concerned DySP which reads as follows:-

“4. That in this regard it is submitted that on complaint of the SDO (Civil) and Registration Authority (M.V.), Jagadhari an FIR no. 14 dated 21-01-2021 under section 120-B, 408, 420, 467, 468, 471 of IPC was registered in Police Station Sector-17, HUDA, Jagadhari with respect to the issuance of Forged Registration Certificates of certain vehicles. The said FIR is already on court file as Annexure P-1. The contents of the same are not repeated for the sake of brevity.

5. That during the course of investigation of the present case, it was revealed that the Registration Clerk Rajinder Singh, Computer Operator Amit Kumar and Sanjeev Kumar Driving License Clerk hatched a conspiracy with certain Car Dealers namely Ram Niwas, Krishan Kumar, Sanjeev Kumar and Nitin Sharma for issuance of forged registration

*certificates to the vehicles purchased by the above said dealers in certain Bank auctions. In furtherance of the above said conspiracy, the car dealers used to purchase the vehicles from Banks in auction and in order avoid previous Road Taxes, passing fees and No Objection Certificates of such vehicles, they got issued forged new registration certificates from the accused Rajinder Singh, Amit Kumar and Sanjeev Kumar. The accused persons Rajinder Singh, Amit Kumar and Sanjeev Kumar used to issue the said registration numbers by way of adding #, *, -, 0 or I in the Chasis Numbers of the said vehicles. The car dealers used to pay them Rupees 30/35,000/- per car to the accused Rajinder Singh, Amit Kumar and Sanjeev Kumar. The accused persons used to forge Bank authority letters and No Objection Certificates for the above said purpose.*

6. That in this manner the accused persons issued approximately 200/225 forged registration certificates. The above said modus operandi of the accused persons of issuing and preparing forged registration certificates clearly shows the manner by which the accused persons caused a huge monetary loss to state government by of issuing above said forged Registration Certificates.

7. That during the further course of investigation, 177 original files pertaining to forged registration certificates of vehicles pertaining to HR 02 AS series were kept into police custody on 06-04-2021. The file pertaining to vehicle in question bearing registration number HR 02 AS 2327 was also one of the above said files. The above said vehicles were got inspected by the Motor Vehicle Inspector, Yamunanagar who reported that the vehicle in question is having forged registration certificate as the Chasis number mentioned in the Registration file is "MAKDF25AKGN203423" which is altogether different from the actual Chasis number "MAKDF25AKGN203423" inscribed on the vehicle. Meaning thereby, the accused persons forged the chasis number of the vehicle in question in order to issue a new registration certificate. The vehicle in question is mentioned at serial no. 31 of the said report **(ANNEXURE R-1)**. More so, the copy of Registration Certificate is already on court record as **(Annexure P-3)**. The vehicle in question is a stolen property as the registration certificate of the same is forged one and by way of committing the forgery, the accused persons Rajinder Singh, Amit Kumar and Sanjeev Kumar have committed the offence of criminal breach of trust being clerks of government of Haryana. Section 410 of Indian Penal Code defines that the property in respect of which criminal breach*

of trust has been committed that amounts to "Stolen Property". Section 410 of IPC is reproduced hereunder for kind perusal of this Hon'ble Court:-

*410. Stolen property.-Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which 1[***] criminal breach of trust has been committed, is designated as "stolen property", 2[whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without 3[India]]. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property."*

8. That thereafter, accordingly, the owners of the above vehicles were summoned and the said vehicles were taken into police possession being case property."

3. Counsel for the petitioner submits that a Co-ordinate Bench of this Court has already released the vehicle in question. He has drawn attention of this Court to paras no.5 and 6 of the criminal revision petition as per which the petitioner was registered owner of the vehicle and initially the vehicle was in the name of one Ajay. Petitioner purchased the said vehicle from a car dealer Vinod Kumar. After that, Vinod Kumar got an No Objection Certificate regarding transfer to the petitioner and based on such NOC, the vehicle was transferred in the name of the petitioner and the registration certificate was also transferred in the name of the petitioner on 20.08.2019 which is reflected in Annexure P-4. In para no.9, the petitioner submits that he is retired Army personnel after retirement as a Guard with Central Bank of India, Rohtak and the vehicle was lying with the police since 25.09.2021 and is losing its value.

4. An analysis of the pleadings and arguments would lead to the following outcome. As mentioned by the State in reply, the car dealers used to purchase vehicles from Banks in auction and to avoid payment of road tax, passing fee and other requirement, they would forge new registration certificate in connivance with registration authorities. After that, they would add some pre fixes in the number plates and the car dealers used to pay Rs.30,000/- to Rs.35,000/- per car to the government officials. They would also forge bank authorities for aforesaid purpose. The *modus operandi* was thus to get the vehicle transferred by forging the documents. A perusal of the reply reveals that there is no allegation against the petitioner that at the time of purchasing the vehicle from the car dealer, he had any idea or knowledge that the previous owner has done some tampering. Further, the car dealer told him to get the vehicle registered in his name

which he did. For the said purpose, the car dealer provided him No Objection Certificate. There is no allegation that the petitioner was a conspirator in aforesaid tampering or had connived with the car dealer Vinod Kumar. As such, there is no reason to keep the vehicle lying with police custody because every passing day, it is losing its value and it is becoming out of use. It cannot be lost sight of that lot of carbon emission have taken place while extracting minerals which were used in the car manufacturing and also at the process of car manufacturing. Thus, if the vehicle is not put to use and is permitted to decay because of the lapse of time and outdatedness of technology, it would further be an catalyst in non-utilizing the carbon emission and loss to the environment which has already been done to manufacture the present vehicle. Apart from the loss to the environment, the petitioner had retired from Army and has spent his hard earned money to purchase the vehicle and is unable to use it for the last 02 years and 03 months. A co-ordinate Bench of this Court has already released the vehicle of other similarly placed persons.

5. Given above, the impugned order dated 18.04.2023 is set aside and the present revision petition is allowed. The aforesaid vehicle bearing No.HR 02 AS 2327 be released on *superdari* to the petitioner on furnishing personal bonds to the satisfaction of the concerned Court.

Pending applications, if any also stands disposed of.

(ANOOP CHITKARA)
JUDGE

12.01.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.