



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-52433-2024

DATE OF DECISION: 22.10.2024

SALIM KHAN

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Azad Khan, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked seeking the concession, for the grant of anticipatory bail to the present petitioner in FIR No.887 dated 27.10.2023, under Sections 420, 467,468, 471, 120-B IPC, 1860 registered at Police Station Surajkund, District Faridabad.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

*‘To Mr. Police Commissioner, Sector-21 C, Faridabad.
Subject: Application for filing a case and taking legal action against accused no. 1 Sahjad Khan son of Shri Albakshi Khan, 2 Sharifan Patri Shri Abdul Rahim daughter of Albakshi Khan, 3 Abdul Rahim residents of village Badkhal, Faridabad, in collusion with each other, selling the loaned car to the applicant for Rs. 17,50,000 by claiming it to be clean. Mobile No. 9811740786,9811485462, Sir, It is my humble request that I, Rasheed Khan, son of Shri Abdul Shakoor, resident of house no. B-230, village Badkhal, district Faridabad, Haryana, and I*



make the following request that 1. These accused are residents of my village only. On 24.10.2020, all the three accused came to me and said that they wanted to sell the truck no. HR-38-W-4614 dated 27.10.2020 and accused no. 2 and 3 assured that the said vehicle is clean in all respects and we have a guarantee. The deal of the truck was fixed between the accused and me for Rs.17,50,000/-, on which a written agreement dated 27.10.2020 was made between me and accused no. 1, a copy of the agreement is enclosed. At the time of the agreement, I paid Rs. 10 lakh out of the total amount to the accused and the remaining amount of Rs. 7,50,000/- after some time, I got the said truck financed from Yash Bank, Faridabad and paid it to the accused. 2. That the accused persons, in collusion with each other and with the intention of fraudulently causing loss to me, while giving me the truck, had given me the RC and other documents of the truck. No loan of any kind was shown on the RC and the accused persons had also assured me that there was no loan outstanding on this vehicle. 3. That on 3.01.2022, my said vehicle was stopped by the officials of Chola Finance Company in Khurja, Uttar Pradesh and told me that this vehicle is financed by our company and our company owes Rs 16,50,000/- on it, hearing which the applicant was surprised, the applicant told the officials that he had bought this vehicle from Sahajad on 27.10.2020, and Sahajad had told me that there is no loan on this vehicle, after that I have also taken a loan on this vehicle from Yash Bank, whose installments I am paying regularly and since then I have been driving this vehicle but the officials did not listen to me and gave me the documents related to the loan and asked me to repay the loan, after which I have also lodged a written complaint with Chola Finance Company. A copy of the application is attached. 4. That when the applicant met accused no. 2 and 3 in this regard and talked about it, they tried to evade the applicant but when the applicant showed the documents of the finance company, they got angry and started saying that, we



knew that our vehicle is financed, do whatever you want to do, you cannot harm us, and threatened that if you come to us in future, we will trap you in a false case and get you killed. Therefore, the accused have conspired with each other and committed fraud and forgery and grabbed my money by telling that the loan vehicle is clean. A case should be registered against the accused and strict legal action should be taken and justice should be done to me. It will be your great kindness. Date: 0601/2022 Applicant-SD/- Rashid Khan, Rasheed Khan son of Shri Abdul Shakoor resident of House No. B-230, Village Badkhal, District Faridabad Mobile No. -9891603717 Today Police Station One Complaint No. 112/CC/P DT 06.01.2022 After Investigation Complaint Branch Police Commissioner Office Faridabad, 82-CP-P DT 14.1.2022 Office of Deputy Commissioner of Police, NIT Faridabad Upon receipt of the complaint in the police station for registering the case, case No. 887 dated 27.10.2023 under sections 420, 467, 468, 471, 120B IPC was registered at Police Station Surajkund, District Faridabad and copies of the FIR are being prepared on computer and sent to the Area Magistrate Sahib and the concerned officers Bajaria Post. Copy of Misal Police along with original order has been sent to Deputy Inspector Omprakash 559/Fri. Incharge Police Post Ankhir Faridabad Mobile No. 9582200154 is being sent. Note: Since SI Om Prakash 559/Fri does not have CCTNS ID in this police station, the case is being registered in the CCTNS ID of SI Kuldeep 1322/Fri and the duty officer in this police station is SI Zakir Hussain 107/Fri, Police Station Surajkund.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He submits that the nature of allegation as narrated in the FIR would only make out a case



of contractual liability and not criminal liability under the offences mentioned above. He further submits that no specific role has been attributed to the petitioner and he was arrested on the basis of disclosure statement made by one co-accused. The contention is that no transaction took place between the petitioner and the complainant and nothing is to be recovered from the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail on the basis of parivi report received by him and submits that the petitioner was named in the disclosure statement by co-accused Sehzaad Khan but no other incriminating material or concrete evidence to bring the role of the petitioner is coming forth before this Court.

4. **Analysis**

Be that as it may, in light of the aforesaid discussions and the stand taken by the counsel for the State that no recovery is to be effected from the petitioner and after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before

this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C as reproduced below :-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

22.10.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No