**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-53068-2024
Reserved on: 11.11.2024
Pronounced on: 25.11.2024

Sanjeev @ Sanju ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikas P. Singh, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Rajesh Kumar Girdhar, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
141	07.08.2024	City Shri Muktsar Sahib	420, 465, 467, 468, 471, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 28 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> *"3. That the FIR in question was registered against two accused namely (1) Sanjeev @ Sanju son of Subhash Chander and (2) Subhash Chander son of Hoshiyar Singh (present petitioner), on the application of Baljeet Singh son of Manohar Singh, on the allegations that the accused after hatching a criminal conspiracy and after forging the documents sold the vehicle to the complainant and cheated him.*
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> *4. That during the investigation conducted so far, the incriminating evidence has come on file against both the accused including the petitioner. The facts of the investigation are as under:-*
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> *(i) The complainant Baljeet Singh moved an application (No.179- PC-*

2A/24 dated 26.06.2024) to the Inspector General of Police, Faridkot Range, Faridkot, leveling allegations of cheating, etc. against the accused, requested for taking legal action against them. The said application was sent to the S.S.P., Sri Muktsar Sahib. The enquiry was conducted under the supervision of D.S.P., Sub-Division Sri Muktsar Sahib and during the enquiry, the allegations as contained in the said application, were found to be true and the enquiry report No.2161/Reader/ DSP/SMS dated 18.07.2024 was approved by the S.S.P., Sri Muktsar Sahib and accordingly, the FIR in question was registered against the accused.

(ii) The complainant Baljeet Singh is doing the work of Tours and Travels. There are two accused in the FIR in question including the petitioner, who are father and son and are doing the business of sale and purchase of cars.

(iii). The complainant purchased a Car Innova Cresta RC No.UP- 25CZ-0864 from the accused and paid Rs.15,64,000/- to the accused as price of car, as settled. The accused induced the complainant for purchasing the said car saying that the accused Sanjeev @ Sanju is a bonafide purchaser of the vehicle in question vide affidavit dated 09.02.2023. As per the documents shown by the accused at the time of purchase, Aslam Khan son Nathu Khan is the first purchaser of the vehicle in question who sold the same to Hardeep Singh from whom the accused Sanjeev @ Sanju allegedly purchased the same. The accused also told the complainant that as per the NOC, nothing is outstanding against the said vehicle.

(iv). After purchase of the vehicle in question, the vehicle in question was registered as RC No.PB-30AA-1951, the complainant came to know that an auto loan of Rs.33,64,540.73 including interest is outstanding against the vehicle in question, in the name of the first purchaser Aslam Khan son of Nathu Khan, being the auto loan availed from Toyota Financial Services.

(v). During the enquiry, on being called, both the accused including the petitioner appeared before police on May, 2023 and gave in writing under their signatures vide which they promised to resolve the matter and to appear before the police on 29.05.2023.

(vi). The accused were having dishonest intention to cheat the complainant right from the very beginning and they cheated the complainant with a huge amount, as explained above. The complainant paid an amount of Rs. 15,64,000/- to the accused and subsequently, it was found that an auto loan of Rs.33,64,540.73 is outstanding against the vehicle whereas, at the time of selling the vehicle, the accused told the complainant that as per NOC, nothing is outstanding against the vehicle,

meaning thereby, the accused after hatching a conspiracy, committed a big fraud with the complainant by forging the documents in the name of Aslam Khan and Hardeep Singh.

(vii) That during investigation, it has also been found that Aadhar Card and other documents of Aslam Khan were used to purchase the new vehicle in the name of Aslam Khan whereas, Aslam Khan was not even aware about the purchase of this vehicle in his name. Subsequently, this vehicle was got transferred in the name of one Hardeep Singh Randhawa and during investigation, no person in the name of Hardeep Singh Randhawa has been found, meaning thereby, both the 1st and the 2nd owner of the vehicle were imposters and fake persons. All this has been done by the accused to commit a big fraud with the complainant.

(viii) That during investigation it has also transpired that original Aslam Khan, in whose name the vehicle was purchased, has also lodged an FIR no.0339 dated 23.08.2023 under Sections 419, 420, 467, 468, 471 IPC at Police Station Qilla, District Bareilly against imposters-Aslam Khan, Hardeep Singh Randhawa and also against the Manager, Toyota Financial Services India Ltd. stating therein that they have purchased the vehicle in the name of imposter-Aslam Khan by using his Aadhar Card PAN Card etc.

ix) That both the accused persons were having dishonest intention, right from the beginning, to cheat the complainant and they have committed a big fraud causing a huge financial loss to the complainant."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*"**ROLE OF THE PETITIONER** The petitioner and co-accused by hatching a criminal conspiracy and showing forged documents to the complainant, induced to purchase the vehicle in question. Believing on the words of the accused, the complainant purchased the vehicle in question and paid the price of the vehicle to the accused as settled. The accused induced that co-accused Sanjeev @Sanju is the bonafide purchaser of the vehicle in question being sold to the complainant. The petitioner and co-accused are father and son. The fact that the huge amount of loan is outstanding against the vehicle in question is not denied by the petitioner*

and while appearing before the police, the petitioner promised in writing that he will resolve the matter. The petitioner actively participated in the commission of crime.

8 EVIDENCE AGAINST THE PETITIONER:-*That it is denied that the petitioner has been falsely implicated in the FIR in question. There is sufficient evidence against the petitioner and co-accused to prove their guilt. The case of the prosecution stands on sound footing. In view of the grave nature of crime committed by the petitioner, the petitioner is not entitled to the concession of regular bail. No ground is made out for grant of regular bail to the petitioner. As such, no cause of action has accrued to the* petitioner to file the present petition."

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 23 of the bail petition, the petitioner has been in custody since 21-09-2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any

witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.11.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.