



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

CRM-M No.53597 of 2024
Date of decision: 14th November, 2024

Rakesh Kumar Mittal
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit Singla, Advocate for the petitioner.
Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. This is the second petition filed by the petitioner seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0067 dated 04.12.2023 under Sections 420, 465, 467, 468, 471, 120-B of the IPC (Section 384 IPC added later on) registered at Police Station Handesra, District SAS Nagar.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 24.01.2024, yet there is no likelihood of the trial concluding in the foreseeable future as none of the prosecution witnesses have been examined to date. It is further argued that the petitioner's name was not explicitly mentioned in the FIR in question, which has been annexed as Annexure P-1; rather in the FIR, there were vague allegations that a secret information was received qua the

involvement of a person named “Mittal” along with co-accused Parveen, Kamaljeet and others, who were allegedly procuring high-end luxury cars from various States across India, forging registration documents and subsequently selling the cars at reduced prices to the general public. As per the allegations, some of these vehicles were reportedly linked to bank loan frauds as well. Learned counsel has submitted that since the name of the petitioner was not mentioned in the FIR in question, he had made representation (Annexure P-10) before the authorities concerned to enquire into the matter as he was innocent, however, the police brushed aside his complaint without properly enquiring into the same. Learned counsel has submitted that since challan now stands presented, further incarceration of the petitioner would serve no useful purpose and thus, he deserves to be enlarged on bail.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. On instructions, he has submitted that firstly there is no material change in circumstances after the previous petition filed by the petitioner seeking similar relief was withdrawn on 13.08.2024 and furthermore, specific secret information had been received qua the involvement of the petitioner and the co-accused that they were part of a gang, who had been procuring luxury cars and thereafter, selling them to general public at reduced rates by forging not only the relevant registration documents pertaining to the vehicles but also by tampering with the engine/chassis numbers of these vehicles, and that too, in connivance with officials of

the Registration Authority. Learned State counsel has further submitted that recovery of 5 high-end vehicles had been affected from all the accused including the petitioner, which further pointed to his involvement in the crime in question. In addition, learned State counsel has brought to the notice of this Court that the petitioner is a habitual offender, as it is a matter of record that 5 other criminal cases involving identical allegations stand registered against him not only in the State of Punjab but also in the States of Haryana and Uttar Pradesh, and furthermore, it is evident that he had yet again committed an identical offence while he was on bail in the other criminal cases already registered against him. A prayer has therefore been made for dismissal of the instant petition.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Prima facie, the petitioner comes across as a habitual offender, as it is a matter of record that this is the sixth instance when he has yet again been booked for the offences alleged in the FIR in question. Furthermore, after withdrawal of the previous petition, learned counsel has not been able to bring to the notice of this Court any material change in circumstances, which would warrant acceptance of his prayer for being enlarged on bail. In the facts and circumstances, as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 14, 2024

rps

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