

**228 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM M-59979-2023 (O&M)
Date of Decision: 05.01.2024**

Maninder Singh		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.D.S. Hooda, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) seeking pre-arrest bail in FIR No. 303 dated 02.05.2022 registered under Sections 420, 467, 468, 471 IPC (Offence under Sections 201 & 120-B IPC added later on), at Police Station, City Hisar, District Hisar.

2. The case of the prosecution is that on 02.05.2022, a secret information was received by Sub Inspector Sandeep, CIA Staff that Dinesh @ Dhannu son of Devi Chand, resident of Shop No. 86-B, New Grain Market, Hisar was having a truck bearing registration No. HR-39-B-6395, Model 2011, registered in the name of Kamal Kishore brother of Dinesh @ Dhannu and he has changed its registration number from HR-39-B-6395 (Model 2011) to PB-05-AP-5298 (Model 2017). He has also changed Engine & Chassis number of the truck; got prepared fake RC as well as other documents of the said truck and he has brought the said truck in Auto Market, Hisar for sale. On receipt of the information, PSI Sandeep along with other police officials reached near Gate No.1 of Auto Market and alleged truck No. PB-05-AP-5298 was seen coming

towards the gate. The driver of the truck tried to flee, but was apprehended by the police party. On inquiry, he disclosed his name as Dinesh @ Dhannu son of Devi Chand Aggarwal resident of Shop No. 86-B, New Grain Market, Hisar. From the truck, one RC, three route permits pertaining to truck bearing No. PB-05-AP-5298; one receipt of Ministry of Road Transport & Highways, two route permits, one authorisation certificate, one fitness certificate, one challan chit and two pollution certificates in respect of truck bearing No. HR-39-B-6395, were taken into police possession. On inquiry, Dinesh @ Dhannu disclosed that real registration number of the vehicle is HR-39-B-6395 registered in the name of his brother Kamal Kishore and he got the documents, engine as well as chassis number of the said truck changed, so that vehicle can be sold in an illegal manner.

3. Learned counsel for petitioner contends that he has been falsely implicated in the present case and was nominated on the basis of disclosure made by co-accused Ghanshyam Aggarwal.

3.1 Also contended that prosecution has tried to connect the petitioner with the commission of crime on the basis of mobile number 76966-33723 and which, allegedly belongs to his driver, namely, Hamesh Singh; but as a matter of fact, he is not working with the petitioner for the last many years.

3.2 Further contended that petitioner is running transport business in District Patiala for the last more than 15 years and having clean image as no other criminal case is pending against him.

3.3 Still further contended that after investigation, report under Section 173 Cr.P.C qua other accused has already been presented before the Court of competent jurisdiction and except disclosure, of co-accused Ghanshyam Aggarwal, there is no other material to connect the petitioner with the commission of alleged crime.

4 *Per contra*, ld. State counsel while opposing the prayer of petitioner, submitted that on receipt of secret information, a barricade was laid on 02.05.2022 and truck bearing registration No. PB-05-AP-5298 was stopped. The driver of the truck tried to flee, but was apprehended and who disclosed his name as Dinesh @ Dhannu. From the dash-board of the truck, three route permits of different dates from different Authorities were recovered. Some more documents viz two route permits, authorisation certificate, fitness certificate, two pollution certificates bearing registration No. HR-39-B-6395 were also recovered from the driver seat. During interrogation, he admitted the change of registration number, chassis number and engine number for upgrading the model of the aforesaid truck.

4.1 Also contended that petitioner is the kingpin of a racket, who used to prepare forged documents while giving fake addresses and on the basis of incorrect identification of owners for upgrading the model of the trucks.

4.2 While making reference to para 12 of the affidavit dated 12.12.2023 of Sh. Vinod Shankar, HPS, DSP, Hisar, learned State counsel has pointed out large number of transactions which were made by the petitioner from the bank account and submitted forcefully that custodial interrogation of the petitioner is very much necessary to go to the root of matter.

5 Heard learned counsel for the parties and perused the paper-book.

6 Before proceeding further, it is necessary to refer para No.12 of the affidavit dated 12.12.2023 (*supra*) and which reads as under:-

“12. That the present petitioner-accused altered/changed the engine/chassis number of old vehicles and after getting their documents falsely prepared sold the vehicles further. It is submitted that co-accused Rohit, Sonu and Ghanshyam Aggarwal have specifically disclosed about complicity of present petitioner in the present offence. Copy of statement of co-accused Ghanshaym

Aggarwal is annexed herewith as Annexure R-1. Further, it is submitted that the present petitioner has leading role to play in preparation of fake/forged NOCs, Registration Certificates of the recovered vehicles. It is also mentioned therein that present petitioner also opened a bank account No. 006563300003880 in Yes bank, Guwhati in a fictitious name and therein furnished mobile number of his driver; transactions of lacs of rupees on account of preparation of fake/forged documents were made in the said bank account. It is pertinent to mention here that in the registration record of the truck bearing No. PB-05AP/5295 Mobile No. 8699345249 is given which mobile number is also in the name of the present petitioner's driver; chat of co-accused Rohit with the present petitioner has also been recovered wherein Rohit has saved the said mobile number in the name of the present petitioner. It is specifically mentioned here that equipment used by the present petitioner-accused in preparation of forged documents as well as mobile phone used by him and earned money in lacs by committed the fraud are to be recovered from him and moreover the present petitioner is also required to be interrogated with respect to entire gang who is involved in preparation of forged documents. It is pertinent to mention here that after verify the CDR of petitioner mobile number 8699345249, investigating officer found that he received many more messages from the VAAHAN app and he was regularly contacted with the co-accused Ghanshyam Aggarwal mobile number i.e. 98640-93907, which was disclosed by him in his disclosure statement. Copy of CDR is annexed herewith as Annexure R-2. It is submitted that as per detail of form No. 24 (MVR) bearing registration number PB05-AP-5298 clearly shows that petitioner mobile number i.e. 86993-45249 was entered in this form for registration of the same vehicles and also entered in many more vehicles for OTP. Copy of the same form is annexed herewith as Annexure R-3”.

A perusal of above extract reveals that name of petitioner surfaced in disclosure made by co-accused Ghanshyam Aggarwal. Also transpires that he

was in constant touch with said Ghanshyam Aggarwal on his mobile No. 98640-93907, duly verified by CDR (Call details record) (R-2). Thus, it is discernible that petitioner has not only indulged in forging the registration numbers of various vehicles in connivance with above Ghanshyam Aggarwal, but also dishonestly altered engine as well as chassis numbers of trucks; upgraded their model and later on, sold in the market, while receiving ill-gotten money.

7. It has also come on record that petitioner had opened a fake account in the name of Anurag Kumar (A/C No. 006563300003880) at Yes Bank Limited, Guwahati and received money through said account, which *prima facie* is evident from the bank statement (R-3) annexed with another reply dated 21.12.2023 filed by Sh. Vinod Shankar, HPS, DSP, Hisar.

8. In view of the facts & circumstances discussed hereinabove, complicity of the petitioner is apparent in the present case and as such, his custodial interrogation would be very much necessary to know the *modus-operandi* adopted by the accused persons.

9. In view of the above, there is no option, except to dismiss the petition.

10. Ordered accordingly.

11. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail application.

12. Pending application(s), if any, shall also stand disposed off.

05.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No