

2025 PHHC 005055



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1544-2025
DECIDED ON: 15.01.2025

RANJIT SINGH RANDHAWA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kartikay Masta, Advocate and
Mr. Amandeep Vashishth, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

Mr. Sarfraj Hussain, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 of BNSS, 2023, has been invoked seeking anticipatory bail to the petitioner in case FIR No. 0554, dated 28.08.2024, under Sections 420, 467, 468, 471 of IPC, 1860, registered at Police Station Gurgaon Sadar.

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

“ The complainant, proprietor of Auto Solution, an entity dealing in the purchase and sale of second-hand vehicles, lodged a complaint with the police. He alleged that Vinay Yadav, whom he met at Auto Empire, Sector 47, Gurugram, began working with him in October 2022. Vinay Yadav claimed to be a resident of Mani Majra, Chandigarh. Over time, Vinay Yadav started selling vehicles belonging to the complainant in Punjab and other cities. The complainant alleged that Vinay

Yadav had failed to pay him the due amount of 714,00,000/-, despite assuring that the amount would be returned incrementally. Subsequently, Vinay Yadav introduced the complainant to one Vikas Baba, the owner of Auto Gallery, through a telephonic conversation. Vinay Yadav proposed that collaborating with Vikas Baba in buying and selling vehicles would yield significant profits. He also fixed his own commission in the arrangement and guaranteed payments. . The complainant reported that two vehicles, a Porsche (registration No.DL1S9717) and a Mercedes C-Class (registration No. DL1CS5353), were under Auto Gallery. The complainant claimed that his share of {10,50,000/- from these vehicles was taken by Vinay Yadav. Additionally, two oier vehicles, both Toyota Innova Crystas (registration No. CH01BN6832 and CH01BH5343), were taken by Vinay Yadav under the pretext of showing them to potential customers in Punjab. However, the complainant discovered that Vinay Yadav had transferred these vehicles to other individuals. The complainant further alleged that a Maruti Celerio (registration No. DL6C\$2132), registered in the complainant's name, was also taken by Vinay Yadav for some days. However, he did not return the said vehicle. The total value of these vehicles, along with the outstanding {14,00,000/-, amounted to 69,00,000/-, which Vinay Yadav assured would be paid within 10 to 15 days. However, Vinay Yadav neither returned the vehicles nor made any payments. Eventually, he stopped responding to the complainant's calls. Following the registration of an FIR, the police arrested Vinay Yadav son of Ram Bahadur. During the investigation, the Maruti Celerio (DL6C\$2132) was recovered from Vinay Yadav. It was revealed that the Porsche (DL1CS9717), Mercedes C-Class (DLICS5353), and the two Toyota Innova Crystas (CH01BN6832 and CH01BH5343) had been sold to various dealers. The investigation further revealed that one of the Toyota Innova Crystas (CH01BN6832) was given by Vinay Yadav to the applicant-accused, Ranjit Singh Randhawa. Ranjit Singh subsequently sold the vehicle to a dealer named Deepa Bhandari, who transferred amounts of {5,00,000/- and 27,50,000/- to him.”

3. **Contentions**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and, in fact, is a victim of fraud committed by Vinay Yadav. It is argued that the petitioner had filed a complaint with the police in January 2024, reporting that his own vehicle, an Audi A6 (registration No. HR26C6969), was taken by Vinay Yadav. Despite repeated

assurances, the vehicle was neither returned nor any payment made by Vinay Yadav. The learned counsel further submitted that due to the inaction of the police regarding the complaint, the petitioner was compelled to file a petition under Section 156(3) of the Cr.PC, which is scheduled for consideration in January 2024.

The petitioner neither forged any documents nor made any representations concerning the vehicles in question. It is contended that the petitioner had no dealings with the complainant and that the allegations primarily concern fraudulent conduct of Vinay Yadav. The learned counsel further submitted that the petitioner is willing to cooperate with the investigation and comply with any conditions that may be imposed by the Court. Therefore, it was argued that custodial interrogation of the petitioner is unwarranted, as he has not committed any wrongdoing and is ready to assist in the investigation.

On behalf of the State/complainant

Learned State counsel assisted by the counsel for the complainant has vehemently opposed the prayer made in the present petition contending that payment related to one of the vehicles involved in the case was found to have been received directly in the account of the petitioner, Ranjit Singh Randhawa. Therefore, he argued that there was a connection between the petitioner and the fraudulent activities. It is further argued that granting bail to the petitioner at this stage may hinder the ongoing investigation, therefore, submits that custodial interrogation of the petitioner is required.

4. Analysis

This Court has examined the material available on record. The evidence indicates that one of the vehicles, a Toyota Innova Crysta (CH01BN6832), was transferred to the petitioner. Subsequently, the petitioner resold this vehicle to another dealer, Deepa Bhandari, and a total of Rs. 5,00,000/-

and Rs. 7,50,000/- were transferred in connection with this transaction. The case of the prosecution asserts that a part of the payment for this vehicle was directly credited to the account of the petitioner, thereby establishing a financial link between the petitioner and the alleged fraudulent transaction.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the *prima facie* case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail*

application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 438 Cr.P.C., is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in “State vs. Anil Sharma”; (1997) 7 SCC 187, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

In light of legal aspects as well as the enunciation discussed hereinabove and the role attributed to the petitioner, this Court is of the opinion that custodial interrogation is necessary to crack the transaction and the connection between the petitioner and other co-accused persons. Such interrogation may

further assist the Investigating Agency in uncovering the full scope of the conspiracy, which will enable it to reach to a logical conclusion.

Consequently, this Court finds no merit in the present petition, which is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

15.01.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>