

217

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

AMIT

CRM-M-3409-2025 (O&M)  
Date of Decision:- 23.05.2025

Versus

...Petitioner(s)

STATE OF HARYANA

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. B.S. Rana, Sr. Advocate with  
Mr. Lukesh Kumar, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

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**SANJIV BERRY, J. (ORAL)**

1. Sh. Dalip Singh, Deputy Superintendent of Police, Tosham, Bhiwani along with SI Parveen, Investigating Officer of the case are present in Court.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

| FIR No. | Dated      | Sections                              | Police Station              |
|---------|------------|---------------------------------------|-----------------------------|
| 443     | 11.08.2023 | 420, 467, 468, 471, 483,<br>120-B IPC | Tosham, District<br>Bhiwani |

4. It is, *inter alia*, contended by learned Senior counsel for the petitioner that the petitioner is innocent and has been falsely implicated in



this case. He contends that the petitioner was the owner of the vehicle in question at one point of time, but had sold the same to one Ramesh S/o Zile Singh on 02.10.2016, who further sold it to one Baljeet S/o Satpal on 23.02.2022, as is evident from the report received from the Transport Commissioner, Haryana (Annexure P-6). It is also evident therefrom that the petitioner had purchased the said vehicle from M/s Soni Buildcon Pvt. Ltd. Gurugram on 01.10.2010. He has referred to the sales invoice (Annexure P-7) and also the NOC issued by the Finance Company (Annexure P-8) and also copy of insurance policy (Annexure P-9) with the transfer of ownership certificate (Annexure P-10). He submits that the record would suggest that the petitioner had sold the vehicle Silver Mica Metallic colour to Ramesh way back in the year 2016 itself and Ramesh had further sold to Baljeet and the vehicle in question was recovered from the possession of co-accused Sandeep. Learned Senior counsel for the petitioner submits that the petitioner has no concern with the subsequent buyers and the accused from whose possession the vehicle in question has been recovered. He further submits that the petitioner is in custody since 02.09.2024 and the aforesaid Ramesh and Baljeet have been granted the concession of anticipatory bail, while co-accused Sandeep has been granted the concession of regular bail. He submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the



petitioner is alleged to have sold the vehicle with fake engine and chassis number. He, on instructions from the Deputy Superintendent of Police present in Court, has submitted that another vehicle with same engine and chassis number is plying in the State of Punjab. He submits that the petitioner does not deserve the concession of bail and prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that so far as the version given by the investigating agency through the Deputy Superintendent of Police present in Court regarding another vehicle bearing same engine and chassis number plying in the State of Punjab is concerned, to a specific query put to the Deputy Superintendent of Police, he has not been able to apprise about the location and ownership of the said vehicle nor could he satisfactorily answer as to why the said vehicle has not been taken into possession and why the owner of the said vehicle has not been joined in the investigation.

7. So far as the present petitioner is concerned, it is evident from the report submitted by the Transport Commissioner, Haryana (Annexure P-6) and also the Sales Invoice (Annexure P-7) that the vehicle in question was originally purchased by M/s Soni Buildcon Pvt. Ltd. Gurugram and was purchased therefrom by the petitioner on 01.10.2010. It is also evident from (Annexure P-10) i.e. the certificate regarding transfer of ownership that this vehicle was sold by the petitioner to Ramesh while bearing the original engine and chassis number and the colour of the vehicle being also silver mica metallic i.e. the same as mentioned in the original sales invoice. As per



the record, the vehicle got transferred further in the name of one Baljeet and thereafter to Sandeep. There is nothing on record to substantiate that the petitioner was instrumental in changing the engine or chassis number of the vehicle once he has sold the same way back in 2016. The petitioner is in custody since 02.09.2024 and after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 21 witnesses, however, none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

8. Consequently, without commenting on the merits, lest it may effect the merits of the case before the trial Court, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

23.05.2025

S.Sharma(syr)

|     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |