



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

CRM-M No.10569 of 2025
Date of decision: 25th February, 2025

Om Parkash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Malik, Advocates for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 BNSS in case FIR No.570 dated 15.12.2024 under Sections 420, 467, 468, 471 of the IPC registered at Police Station City Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner, while pressing for the relief of anticipatory bail, contends that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner, who was merely a Clerk in the Motor Vehicle Registration office, had no independent authority to issue a No Objection Certificate (NOC). His role was confined to collecting and annexing the requisite documents, which were then placed before the Registration Authority for further verification and approval. It is urged that the Registration Authority, Fatehabad, after due verification of all relevant particulars, had signed and issued NOC.

3. Learned counsel further submits that upon realization of the alleged irregularity, the Registration Authority, Fatehabad, promptly requested the cancellation of the NOC. However, the Registration Authority, Bahadurgarh declined to entertain the request on the ground that the matter was subjudice. It is thus, contended that the petitioner, having exercised due diligence in the performance of his duties, has been made a scapegoat at the fag end of his tenure.

4. Notice of motion.

5. Mr. Yuvraj Shandilya, Asst. Advocate General, Haryana who is present in Court, accepts notice on behalf of the State.

6. Per contra, learned State counsel, on instructions, has vehemently opposed the prayer for granting the concession of anticipatory bail to the petitioner. Learned State counsel has reiterated the allegations levelled against the petitioner in the FIR in question. It is submitted that the petitioner, despite being fully aware that the vehicle in question was subject to a subsisting bank loan, deliberately and illegally facilitated the issuance of the NOC, thereby misusing his official position. It is further argued that the petitioner was an active participant in the commission of the offence and his role cannot be trivialized as that of a mere clerical functionary.

7. Additionally, learned State counsel has pointed out that the petitioner has a history of being involved in similar offences and is involved in at least two other cases of the same nature. Given his antecedents and the gravity of the offence, a prayer has been made for dismissal of the present petition as the custodial interrogation of the petitioner is required.

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

9. Prima facie, the allegations against the petitioner are of a serious nature. The contention that the petitioner was merely performing the clerical duties, does not, at this stage, absolve him of culpability, particularly in light of the assertion that he was aware of the subsisting bank loan on the vehicle at the time of processing the NOC. The role of the petitioner in facilitating the issuance of the NOC despite such knowledge raises a prima facie case of misuse of his official position.

10. Furthermore, the involvement of the petitioner in two other cases of a similar nature cannot be ignored.

11. Considering the seriousness of the allegations, the petitioner’s past criminal antecedents, and the necessity of further investigation, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The petition, as such, stands 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

February 25, 2025
rps

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