IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

<u>Sr. No.206</u>

Case No. : CRM-M-32131-2025

Decided On : September 24, 2025

Nitin Sharma .... Petitioner

vs.

State of Haryana .... Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

Mr. Ashish Sharma, Advocate
for the complainant.

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<u>SUKHVINDER KAUR, J.</u> :

Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.68 dated 22.05.2025, under Sections 316(2), 318(4), 338 and 340 of Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Naggal, District Ambala.

The aforesaid FIR was got registered by one Manjeet Singh, who, along with one Yatin Sharma, was doing business of sale/purchase of cars under the name of "Rudra Car Bazar". He alleged in the FIR that a fraud had been committed by the petitioner regarding fraudulent sale of cars. It was stated by the complainant that the petitioner, who was a broker, told him on 06.02.2025 that he was having a Verna Car for sale. The complainant agreed to purchase and token money was deposited in the bank account of owner namely Raghav Sharma. Thereafter, petitioner took a sum of Rs.2 lakhs in cash from the complainant and on the next day i.e. 07.02.2025, the complainant sold the said car to one Gaurav Sharma of Mohali and as per instructions of the petitioner, got deposited Rs,6.5 lakhs from said Gaurav Sharma in the account of Sewak Singh through RTGS and while taking the car, gave an amount of Rs.2.40 lakhs in cash to Sewak Singh .

After a few days i.e. on 10.03.2025, the petitioner again told the complainant that he had a Creta Car for sale and again as per his instructions, Yatin Sharma transferred Rs.15,000/- to one Rajesh Kumar through Google Pay. On 11.03.2025, Rs.3 lakhs were given in cash to Sewak Singh and on 13.03.2025, Rs. 6 lakhs were transferred to the account of Rajesh Kumar through RTGS. The complainant further told that he went to Ludhiana along with the petitioner to get the car and brought it back to Ambala and sold it.

Later, the complainant came to know that the petitioner sold the aforesaid two cars fraudulently as there were bank loans against both the cars and the petitioner had sold the same by preparing fake documents of banks. With these allegations, the complainant got registered the present FIR.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case just to wriggle out of the fraud committed by the complainant and his partner Yatin Sharma himself, who is a distant relative of the petitioner and being his competitor, wanted to take revenge from the petitioner. In fact, the petitioner has not sold the cars to the complainant and no money has been received by the petitioner, as alleged. There is no logic of paying huge amounts to aforesaid Sewak Singh, who is a third party, and that too, without any receipt, just at the asking of the petitioner. All the allegations levelled by the complainant regarding receiving money in cash or selling cars not by the owner(s) but by the petitioner, are frivolous. It has further been stated that the petitioner is ready to join investigation. His custodial interrogation is not required for any purpose and therefore, he be granted concession of anticipatory bail.

On the other hand, learned State counsel has placed on record a copy of statement of Yatin Sharma (partner of the complainant), stating therein that the petitioner – Nitin Sharma had not given any affidavit or any document regarding sale/purchase of the cars to them and had stated that no documents regarding the sale of Verna and Creta cars in question were available.

Learned State counsel has opposed the present bail petition while contending that during investigation, it transpired that the NOC used for sale of aforesaid Verna Car was not issued by the concerned bank. The said car was financed by the bank to Raghav Sharma, who was absconding. The said car was black-listed by RTO, Amritsar, on the request made by the bank. Regarding inquiry made for Creta Car, it was submitted that the bank Authorities could not find the details regarding the account number provided to them. Learned State counsel further submitted that the investigation of the present case is still going on and petitioner is also involved in four other cases of cheating and forgery. So, being a habitual offender, the petitioner does not deserve any leniency from the Court. His custodial interrogation is much needed to ascertain the modus-operandi and granting bail to such an accused would certainly prejudice the investigation.

Heard.

In the present case, FIR was registered after conducting due inquiry. There are specific allegations against the petitioner that the petitioner, who was a broker, sold Verna and Creta cars in question, while preparing fake documents of the banks regarding NOC from the banks, whereas the said cars had bank loans. During the investigation, when the Investigating Officer collected record from the concerned bank Authorities, then it was reported that those NOCs had not been issued by the banks concerned and the said vehicles had already been black-listed by RTO.

Keeping in view the specific allegations against the petitioner, his custodial interrogation is required to ascertain the modus-operendi and for taking the investigation to its logical end. In case, the petitioner is granted concession of anticipatory bail, it may adversely effect the case of the prosecution and may hamper the investigation. Thus, no ground for granting anticipatory bail to the petitioner is made out. Accordingly, the present petition stands dismissed.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall stand disposed of along with the present petition.

September 24, 2025 **(SUKHVINDER KAUR)**
monika **JUDGE**

Whether speaking/reasoned ?	*Yes/No.*
Whether reportable ?	*Yes/No.*