



CRM-M-14034-2025

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

CRM-M-14034-2025

Date of decision: 22nd May, 2025

Rajiv Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Virat Rana, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 25 dated 30.01.2025 registered under Sections 318(4), 336(2), 338, 340(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Divison No.5, District Police Comissionerate.

2. The aforementioned FIR has been registered on the basis of statement recorded by the complainant Amandeep Singh, In-charge of Muthoot Capital Services Limited Company (for short, '*the company*') having its office at Ludhiana, on the allegations that the company was engaged in the business of providing loans of different kinds which included loan for purchase of two wheelers. About 42 persons had got financed two wheelers from the company of the complainant. They failed to pay the



installments. On making inquiries, it was revealed that the loanees had not received two wheelers of Libra Auto make and the accused Harjinderpal Singh, Lalit Kumar, Deepak Kumar and Pankaj Kumar had formed a gang and in pursuance of a pre-planned conspiracy hatched by them, they used to take identity proofs of innocent public persons by alluring them with money and after depositing those identity proofs and preparing loan documents in the name of such persons, they used to obtain loan from the company to take vehicles in the names of such persons and cheated the company as well as those persons. The persons named as borrowers had infact never applied for loan for purchase of any two wheeler. It was also revealed that forged 'no objection certificates' and other documents had been got prepared by the above named persons for the purpose of cheating the company. After registration of FIR, investigation proceedings have been initiated and are underway.

3. During investigation, the accused Harjinderpal, Lalit Kumar, Deepak Kumar and Pankaj Kumar were arrested. Accused Pankaj Kumar suffered disclosure statement to the effect that out of 42 two wheelers taken by him and co-accused on the basis of forged documents, 15 vehicles were given by him to the present petitioner, who was owner of M/s Siya Auto Deals for further sale of the same. The accused Pankaj Kumar also got recovered 04 two wheelers from the shop of the petitioner. It was also revealed that the remaining 11 two wheelers given by the accused Pankaj Kumar to the petitioner, had been further sold. The petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional



Sessions Judge, Ludhiana vide order dated 07.03.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. No specific role has been attributed to him. Infact, he is running a small business of sale and purchase of second hand two wheelers in Ludhiana city. Four vehicles have been seized from his shop out of which none was financed by the company of the complainant. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Accordingly, it is urged that he deserves to be extended benefit of bail.

5. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner who was a part of conspiracy hatched by the co-accused to dupe the company to get financed two wheelers on the basis of fake documents of identify pertaining to some innocent persons. As per the allegations, 15 out of 42 such vehicles had been delivered to the petitioner for sale and he has even sold 11 of them. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, he had received 15 vehicles from the co-accused for the purpose of further sale of the same despite the fact that



those vehicles were already financed and such vehicles were financed on the basis of fake and forged documents, by producing false proofs of identity by impersonating some public persons. The allegations against the petitioner are grave in nature and require deeper probe. The case is still at its nascent stage. For the purpose of eliciting information about the manner in which the subject offences have been committed and the exact role as played by the petitioner, his custodial interrogation is required. It is also well settled that the Court must be circumspect while exercising power for grant of anticipatory bail and it should not be granted as a matter of routine and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*