

State vs. Sunil Kumar & Ors.
B.A. 104/2020 of 2020 FIR No.91/18.06.2020

Present: Sh. Manoj Kumar Bajaj, Advocate counsel for the accused/applicants Sunil Kumar, Kulwinder Singh, Gurpreet Singh @ Gora and Krishan Kumar @ Harry.

This order of mine shall dispose of bail application moved by the counsel for the accused/applicants Sunil Kumar, Kulwinder Singh, Gurpreet Singh @ Gora and Krishan Kumar @ Harry, wherein it has been averred that the accused have been falsely implicated in the above noted case. The allegations against the accused are false and fabricated. The allegations levelled are that the vehicles purchased from Delhi are sold in Punjab in the area of Jalalabad and Fazilka. The vehicles are sold by “Cars-24” Company. The Diesel vehicles are registered for 10 years in NCR and then are made condemn and sold as scrap. It is alleged that some people buy those cars and instead of using them as scrap, sell them in Punjab. No registration certificate, engine number or chassis number of any vehicle allegedly recovered in the present case, has been changed or forged or fabricated. The vehicles if any sold by anyone in Punjab are duly registered in Punjab with the same chassis number and engine number and due Road Tax and other charges are charged by Punjab Government on the model mentioned in the registration certificate. There is no forgery of changing the year or model of manufacturing, hence no offence under Section 420/465/467/468/471/473/120-B IPC is made out. Hence, this application.

Learned APP for the State did not file the reply but argued that accused persons used to purchase the scrap cars by giving an affidavit that they will further dispose of the same as scrap only, but

they used to sell the said vehicles in Punjab by welding the chassis number which were cut out from the scrap cars at Delhi, back on the car. It is further argued that dyes have also been recovered from accused which were used for the said purpose. Also, it is further argued that various cars were recovered from accused persons. Therefore, accused shall not be released on bail keeping in view the gravity of the offence.

Learned counsel for the accused filed the written arguments, wherein he has argued that no registration certificate, engine number or chassis number of any vehicle allegedly recovered in the present case, has been changed or forged or fabricated. Learned defence counsel has further argued that the vehicles if any sold by anyone in Punjab are duly registered in Punjab with the same chassis number and engine number and due Road Tax and other charges are charged by Punjab Government on the model mentioned in the registration certificate. There is no forgery of changing the year or model of manufacturing, hence no offence under Section 420/465/467/468/471/473/120-B IPC is made out. Therefore, the bail application of the accused persons be allowed.

I have heard the learned APP for the State and the learned defence counsel, on the bail application moved by applicant/accused. The allegations against accused persons are that the cars which have been declared as scrap at Delhi and their chassis number have been removed, so that those could not run on the road, are bought in Punjab and by affixing chassis no. and by preparing forged RC the cars are further sold, but applicants have argued that no RC, engine number and chassis number of any vehicle allegedly recovered in the present case

has been changed or forged and vehicles, if any sold by anyone in Punjab are duly registered in Punjab. But the matter is still under investigation. Learned counsel for the applicants argued that Section 467 IPC is not made out against the accused persons as they have not tampered with the engine number and chassis number. It is further argued that the validity for running of the vehicle on road at Delhi is 10 years, whereas in Punjab it is 15 years. The allegations levelled against accused are under Sections 420/465/467/468/471/473/120-B IPC. Hence, allegations against accused are grievous in nature. No ground is made out for releasing the accused on bail. As such, the bail application of accused Sunil Kumar, Kulwinder Singh, Gurpreet Singh @ Gora and Krishan Kumar @ Harry stands dismissed. Papers be tagged with the remand papers.

Pronounced in open Court

Dt: 06.07.2020.
(Manjit Singh, Steno-II)

(Ramneet Kaur), PCS
Sub Divisional Judicial Magistrate,
Jalalabad (West)
(UID No.PB0326)