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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11867 of 2015
Date of decision: August 17, 2015

Heera Lal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

Mr. Bhanu Partap Singh, Advocate
for the complainant.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.29 dated 12.03.2015, under Sections 419, 420, 465, 467, 468, 471 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Bullowal, District Hoshiarpur.

Prosecution story in brief is that the petitioner was earlier known as Rajesh Kumar and had undergone sentence in FIR No.62 dated 31.12.1996, under Sections 366, 506, 376/34 IPC, registered at Police Station Tanda, District Hoshiarpur. Petitioner changed his name to Heera Lal and got his name included in voter list for the year 2009 at Serial No.435, whereas, initially his name was entered in the voter list for the year 2003 at Serial No.113 as Rajesh Kumar. Petitioner had prepared a forged ration card. Petitioner had submitted his affidavit that he was not a convict while filing his papers for election of Panchayat members.

Learned counsel for the petitioner has submitted that

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as per Rule 9 of the Punjab Panchayati Raj Act, 1994 ('Act' for short), petitioner was not required to furnish any information qua his previous conviction.

Learned State counsel, who is assisted by the counsel for the complainant, on the other hand has opposed the petition and has submitted that at the time of filing of his nomination papers, petitioner had submitted an affidavit that he was not a previous convict. The said affidavit submitted by the petitioner was false as he had undergone sentence in a rape case.

In the present case, allegations levelled against the petitioner are serious in nature. Petitioner was initially known as Rajesh Kumar. Petitioner has admittedly undergone sentence in a rape case. Thereafter, petitioner changed his name as Heera Lal and at the time of filing of his nomination papers for election of Panchayat members submitted his affidavit that he was not a previous convict. It is the case of the prosecution that petitioner had also prepared a forged ration card.

Keeping in view the seriousness of the allegations levelled against the petitioner, no ground for grant of anticipatory bail to the petitioner, is made out.

Dismissed.

(SABINA)
JUDGE

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