

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

CRM-M-12277 of 2015

Date of Decision: June 29, 2015

Amarjeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-40715 of 2014

Amarjeet Talwar

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-38690 of 2014

Anil Kapoor

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:

Mr. Surinder Mohan Sharma, Advocate
for the petitioner (in CRM-M-12277 of 2015)

Mr. Sanjay Verma, Advocate
for the petitioner (in CRM-M-38690 of 2014).

Mr. Jitender Dhanda, Advocate
for the petitioner (in CRM-M-40715 of 2014).

Mr. Dhruv Dayal, DAG, Haryana.

Ms. Harpreet K. Athwal, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The above detailed three anticipatory bail applications under section 438 Cr.P.C. are an outcome of the same very case got registered on the complaint of Sapna Mahajan, complainant alleged wife of Rakesh Passi accused and, therefore, on account of consanguinity of facts and law are being disposed off together.

The brief facts and allegations are that accused/non-applicant Rakesh Passi entered into a 3rd marriage with the complainant on 30.12.2003 which was registered on 1.6.2005 and it is alleged that due to relationship of Rakesh Passi with another lady Rattana D. Anantram, a matrimonial dispute arose. It is alleged that the husband filed divorce proceedings in a Court of law at New Jersey depicting a fictitious address of the complainant at Ambala when at the relevant time she was residing in U.S.A and, thus, managed to procure fraudulently through impersonation of another woman as Sapna Mahajan an ex-parte divorce from the Court at New York in October 2006. As per these allegations Amarjit Singh son of Gurdial Singh, who is a practicing Advocate has managed to procure a fraudulent report and had identified Sapna Mahajan on the process of the Court and along with petitioner Anil Kapoor had deposited the process in USA embassy qua this service, whereas, petitioner Amarjeet Talwar has signed on the summons as witness identifying the said Sapna Mahajan.

The bail applications are opposed on the grounds that the petitioners have drawn a well knit criminal conspiracy along with the principal accused Rakesh Passi husband and Anil

Mainra a close relation of the husband and through impersonation, deceit and fraud has played fraud with the Court as well as complainant to facilitate the illegal procurement of divorce decree.

It is vehemently argued by Mr. Surinder Mohan Sharma, Advocate learned counsel for petitioner-Amarjeet Singh, Mr. Sanjay Verma, Advocate learned counsel for petitioner-Anil Kapoor and Mr. Jitender Dhanda Advocate counsel for petitioner-Amarjeet Talwar that no role is attributed to the petitioner-Amarjeet Singh Advocate and that petitioner-Anil Kapoor has only acted as an attorney in a civil suit between husband and wife submitting that there is no evidence to connect the petitioner-Amarjit Talwar with the commission of the offences and citing **Jagjit Kaur vs. State of Haryana 1998(4) R.C.R. (Criminal) 538** have submitted that police custody is not necessary as the entire evidence is based on documents.

Heard.

The prima facie allegations harbour around how the accused in active connivance and participation of each other have accomplished this sinister design of procuring fraudulently by impersonation, deceit a Court decree and have not only identified a wrong person but had got another lady impersonated as the present complainant. All the accused have prima facie facilitated this crime and in such crimes direct evidence is rarely there. The petitioners being a part of this larger conspiracy have submitted this report of due service in U.S.A embassy are matters which needs to be thoroughly probed. The custodial interrogation of the petitioners is very much essential, besides the fact that

investigations are at the initial stage and the same cannot be allowed to be stifled by giving liberty of bail to the petitioners.

Thus, finding no merit in the above said three anticipatory bail applications the same stand dismissed.

(FATEH DEEP SINGH)
JUDGE

June 29, 2015
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