

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

Crl.Misc.No.M-12463 of 2015

Date of decision : 22.4.2015

Sham Sunder Singh

....Petitioner

Versus

The State of Punjab and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Ashok Kumar Khunger, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

This is a prayer for cancellation of bail. The arguments advanced and the material on record would not indicate any ground to exercise jurisdiction under Section 439(2) Cr.P.C. The prayer is, therefore, rejected. However, the court notices that in the order dated 21.3.2015 the learned court of Addl. Sessions Judge, Fazilka has made the following observations :-

“....There seems prima-facie innocence on the part of the present petitioner as no prudent person is supposed to pay huge amount of Rs.5,00,000/- when the transparency is presumed in Government departments while filling the posts in the government Departments....”

The aforesaid observation declaring the petitioner

Paramjit Singh innocent would not be construed to be an expression on the merits of the controversy. The successor court who deals with the controversy eventually shall keep this in mind that whatever observations have been made are as a part of the reasoning to grant concession of bail.

The court, therefore, directs that the aforesaid observations shall not be taken into consideration by any of the successor courts.

Before parting with the order the court cautions the Additional Sessions Judge, Fazilka to be careful in making the observations which affect the merits of the case. A court has no reason to declare a person innocent while dealing with the matters of bail. It is to be kept in mind that the reasoning which forms a part of concession of bail should be within the parameters of the controversy with a careful and watchful language to be adopted by the courts while giving vent to such reasoning. Any excessive language more than what is required always results in miscarriage of justice.

In so far as the plea of the petitioner regarding the grievance directed regarding investigation against the petitioner is concerned, it would be of no consequence considering the fact that investigation in any case has to be holistic and in case the statement made by the complainant is found to be incorrect, the

police always has the authority to resort to the relevant provisions of the Indian Penal Code to proceed against a person making false allegations.

Petition stands disposed of.

22.4.2015

(MAHESH GROVER)
JUDGE

dss