

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

Crl.Misc.No.M-14549 of 2015

Date of decision : 6.5.2015

Tasvir Pal Kaur

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Paramjit Singh Jammu, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. praying for bail in terms thereof in case FIR No.85 dated 12.2.2015 under Sections 420/506/34 IPC registered at Police Station Sirsa City District Sirsa.

The petitioner is accused of having obtained a sum of Rs.6 lacs from the complainant on the strength of misrepresentation that she would get the matter resolved between the complainant and his son who was facing a criminal case at the behest of his wife Shabana Naaz. A preliminary inquiry was conducted by the police wherein the petitioner has admitted that she received a sum of Rs. 6 lacs.

It has been noticed in the order that petitioner is an Advocate and the other co-accused Surjeet Kaur is her associate.

Learned counsel for the petitioner would deny this fact to state that the petitioner is merely a housewife and not an Advocate. Apart from this it has been contended by the leaned counsel for the petitioner that there is no admission by the petitioner regarding receipt of Rs.6 lacs and there is only a reference to a recorded conversation to this effect.

Both these contentions raised before this Court are deviant from the facts noticed in the order dated 23.4.2015 passed by the learned Addl.Sessions Judge, Sirsa which specifically mentions the petitioner to be an advocate and Surjeet Kaur as her associate and a preliminary inquiry conducted by the police recording the admission of the petitioner regarding receipt of Rs.6 lacs.

Apart from the above fact petitioner being an Advocate, would be guilty of gross misconduct and unethical practice besides inviting allegations of violation of the provisions of Section 420/506 IPC, the misrepresentation made by the counsel would also warrant dismissal of this petition.

The provisions of Section 438 Cr.P.C. are intended to protect an individual apprehending false implication but if the facts throw up sufficient indication or inference of possible involvement of a person in violation of the provisions of the IPC then the courts would be reluctant to grant equitable relief under

Section 438 Cr.P.C. particularly, when there has been gross misrepresentation of facts before the court where such a prayer has been agitated.

Before parting with the order the court notices that twice over this court gave an opportunity to the learned counsel for the petitioner to settle the dispute with the complainant but the petitioner showed his reluctance to part with Rs.6 lacs and rather it was stated that the complainant has grossly exaggerated the amount.

Be that as it may, for the reasons which have been stated above, the petition is dismissed.

6.5.2015
dss

(MAHESH GROVER)
JUDGE