

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19747-2015 (O&M)

Date of decision: 17.06.2015

Vijay Kanwar

... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. V.B. Aggarwal, Advocate, for the petitioner.

Mr. R.S. Pathania, Deputy Advocate General, Punjab
assisted by Mr. Mohal Lal, ASI.

Mr. M.S. Sandhu, Advocate for the respondent.

K.Kannan, J.

Custody certificate filed in Court is taken on record.

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 53 dated 14.03.2013 under Sections 420, 467, 468, 471, 380, 120-B IPC at Police Station Division No. 7 (Vardhman), Ludhaina.

The counsel for the petitioner would contend that the complaint does not anywhere make reference to the petitioner but it is only contended that the four accused persons named therein had attempted to commit fraud and forgeries to wrest for property of annexed to about 150 Sq. Ft. and remove the articles. The petitioner would contend that he is not in any way connected but he is sought to be wrongly roped in by the only fact that one of the accused is his employee. He is not in any way interested in any property dealings and he has been already kept in confinement from 10.05.2015 and continues to be in confinement.

The complainant has entered appearance through a counsel

and make his objection to grant of bail on a plea that the petitioner is a very influential person whose sister is an IAS officer and whose father was a retired IAS officer. According to him, the accused persons are actually acting at the behest of the petitioner and if the petitioner is released, he will influence all the witnesses and prevent them from deposing in Court. He would state that two other persons who have already been named in the FIR had, during the time when they had the benefit of interim bail in anticipatory application, caused further commission of offences and they are wanted in cases registered in FIR No. 97 dated 27.05.2015 for alleged offences under Section 307 IPC. The counsel would say that although two persons named therefore had already been released, they are released on a consideration that they are women and the petitioner cannot have the benefit by citing the said instances as a favourable point.

Counsel for the State would submit that in the course of investigation, it is revealed that the accused persons named in the FIR had actually been motivated to act on behalf of the petitioner who is funding the entire exercise and this was spoken to by some of the persons examined during the investigation.

Considering the fact that the involvement of the petitioner is rather remote and the complainant had not even made reference about the involvement of the petitioner as the principal cause, I am of the view that the petitioner shall have the benefit of bail and set at large. I do not envisage any serious prejudice to be caused by the fact that his relatives are high ranking government officials. It would appear to be a dispute for property and if two other persons were granted regular bail and two other persons had also the benefit of interim anticipatory bail, the same consideration ought to apply for the petitioner as well.

Counsel for the State submits that the challan has not been presented yet and to allay the fear that the petitioner might bring any influence legally to prevent persons from giving appropriate statements

or influence the investigation, I direct the petitioner to remain outside the District and stay in Chandigarh and report to the Police Station, Sector 44, Chandigarh once in a week and sign the register maintained by them.

This order will continue till modified by this Court. The petitioner is ordered to be released on furnishing of necessary bail bonds with two sureties to the satisfaction of the Duty Magistrate, Ludhiana.

17.06.2015

kv

(K.KANNAN)
JUDGE