

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-28318 of 2014 (O&M)

Date of Decision: 13.3.2015

Harvinder Singh @ Bhinda

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Harish Goyal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case F.I.R. No. 164 dated 9.12.2013 under Sections 420, 34 I.P.C registered at Police Station, Maur, District Bathinda.

Learned counsel for the parties have been heard.

F.I.R was registered on the complaint of Gaganpreet Kaur on the allegations that the present petitioner in connivance with his father namely Buta Singh has duped her of an amount of Rs.3 lacs on the pretext of getting her a job as Computer Operator in Punjab Police.

The instant petition which is duly supported by an affidavit of the petitioner himself contains specific averments in para 6 that the complainant namely Gaganpreet Kaur is in the habit of filing false complaints and even on earlier occasions had levelled identical allegations against the present petitioner of having duped her of a sum of Rs.1.5 lacs and such allegations were duly looked into and inquired by the Dy.S.P., Mansa in November/December, 2012 and were found to be incorrect and

false and accordingly, the complaint had been filed.

The instant petition had come up for preliminary hearing on the first instance before this Court on 21.8.2014 and apart from noticing that the F.I.R had been lodged after a delay of more than 2 ½ years, the assertion made by counsel to the effect that identical allegations had previously been looked into and had been found to be false, had heavily weighed with this Court. Accordingly, notice of motion had been issued and interim protection had been granted. Subsequently, when the matter was posted on 13.11.2014, learned State counsel had brought to the notice of the Court that even though, petitioner had joined investigation but he was not cooperating. Thereafter, on two hearings i.e. on 22.12.2014 and 9.2.2015 counsel for the petitioner had reiterated his stand as regards identical allegations having been raised by the complainant against the petitioner and the same having been found to be false and had prayed for time to place on record certain documents to substantiate such assertion.

During the course of hearing today, counsel expresses his inability to produce any such document in support of his assertion that had been noticed at the stage of issuing notice of motion as also in support of the averments made in para 6 of the present petition.

Clearly, a false plea had been raised before this Court at the initial stage to procure a favorable order. Such conduct on the part of the petitioner would disentitle him from any indulgence at the hands of this Court as regards the concession of anticipatory bail is concerned. That apart, it may also be noticed that even though, F.I.R was registered on 9.12.2013, yet, till date co-accused i.e. father of the petitioner has been evading the process of law.

For the reasons recorded above, prayer made in the instant petition is rejected.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

March 13, 2015

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