

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

**Criminal Misc. No. M-39533 of 2015
Date of decision: 01.12.2015**

Gian Chand Gupta

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. S.P. Soi, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This is the third petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.103 dated 27.08.2015 registered under Sections 120-B, 181, 420, 466, 467, 471 of Indian Penal Code at Police Station Lahori Gate, District Patiala.

Learned counsel for the petitioner submits that earlier petitions filed by the petitioner were not dismissed on merits. The petitioner is suffering from some ailment and it has been filed under changed circumstance and earlier petitions, which were dismissed as withdrawn, cannot come in the way of the petitioner. The petitioner has no role to play as Boota Singh, who was the Panch, identified Chuhar Singh and as such, the petitioner cannot be held liable in any

manner. The affidavit of Chuhan Singh filed along with surety bonds was identified by Boota Singh being the Panch of the village.

Heard arguments of learned counsel for the petitioner and have also perused the allegations levelled in the FIR.

Admittedly, earlier two petitions were dismissed after hearing the arguments but while passing the order, the same were dismissed as withdrawn. It cannot be said at this stage that earlier two petitions were not heard on merits. Learned counsel for the petitioner has not been able to convince the Court as to how the third petition for grant of anticipatory bail is maintainable. The ground that the petitioner is suffering from some ailment, cannot be accepted. It has been mentioned in the order declining bail that after inquiry, it came in the report that Chuhan Singh never furnished bail bonds in the case and some other person has impersonated him. A complaint was also filed against the petitioner by one Shiv Kumar under Section 138 of the Negotiable Instruments Act wherein the petitioner was summoned. He appeared as per order of the trial Court and furnished bail/surety bonds. One Chuhan Singh stood surety for him and Sushila Gupta witnessed the same. It is also the allegation that one Boota Singh also appeared as witness to identify the surety. Thereafter, Chuhan Singh filed an application before the trial Court for conducting the inquiry and for cancellation of surety bonds furnished by the petitioner, who claimed to be of Chuhan Singh. In the inquiry, it was found by the trial Court that some unknown person has appeared as surety; Chuhan

Singh whereas he never appeared as surety for the petitioner.

Serious allegations are there of impersonation and of filing of false affidavit in furnishing bail bonds.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and no ground is made out to grant anticipatory bail to the petitioner as earlier two petitions have already been dismissed after hearing the arguments.

Dismissed.

01.12.2015
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(DAYA CHAUDHARY)
JUDGE