

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.: 219

Criminal Miscellaneous No.M-7210 of 2015 (O & M)
Date of Decision: April 01, 2015

Ravinder Singh

..... PETITIONER

VERSUS

State of U.T. Chandigarh

..... RESPONDENT

CORAM HON'BLE MR. JUSTICE JASPAL SINGH

PRESENT: Mr. Manoj Kumar, Advocate, for the petitioner.

Mr. Amandeep Singh, Additional Public Prosecutor, for
respondent – State.

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1. Whether Reports of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Jaspal Singh, J

1. Through this petition preferred under Section 438 Cr.P.C.,
petitioner has sought pre-arrest bail feeling apprehension of his arrest in
case FIR No.308 dated October 22, 2014, under Sections 420, 467, 468,
471 IPC, Police Station, Sector 17, Chandigarh.

2. Tersely put, allegations contained in FIR got registered by
Executive Director of Punjab Infotech, are that petitioner and his
mother – Amarjit Kaur submitted an attested copy of Permanent

Registration Certificate No.020606960 dated June 28, 1992 on July 10, 2006 as proof of having started commercial production, which on verification, has been found to be fake as confirmed by GM DIC (Mohali) vide his letter dated November 14, 2007. That fake document has been submitted by petitioner and his partners of Firm at the time of transfer of plot to avoid levy of extension fee/ cancellation of allotment which has resulted in non-resumption of plot, and has caused loss to the tune of ₹ 42,30,000/- to Corporation.

3. Contention of learned counsel for petitioner is that Firm – M/s Electro Mag. Corporation purchased the plot in the name of petitioner and his mother – Amarjit Kaur in the year 1990. A partnership was constituted regarding said firm to the extent of 50% share each. Petitioner is just a matriculate and his mother is totally uneducated lady and they do not know the intricacies of business, manufacturing process as well as technical know how. Therefore, said plot was sold by them to Sanjiv Vashist resident of Mohali. Moreover, attested copy of permanent registration certificate was never furnished or submitted by either petitioner or his mother. Infact, on July 6, 2006, an application was moved by them in the office of Corporation addressed to Managing Director, PICTCL which was diaried at No.1181 dated July 6, 2006, seeking transfer of said plot in favour of Sanjiv Vashist. Subsequent to transfer of plot, all the correspondence and dealings were carried on by said Sanjiv Vashist in connection with transfer of plot. Various amounts were also deposited by him and plot in question stood transferred to said Sanjiv Vashist vide letter dated

August 11, 2006 by DGM (I & M) of said Corporation. Petitioner has nothing to do with transfer. Moreover, entire case of prosecution is based upon documentary evidence which has already been collected by investigating agency. Petitioner is ready and willing to join investigation and cooperate with investigating agency.

4. On the other hand, learned State counsel has submitted that fake permanent registration certificate was furnished by petitioner which was *sine qua non* for transfer of plot by him and his mother in favour of some other person. By furnishing a fake certificate, not only petitioner has caused huge loss to Corporation but also has succeeded in avoiding levy of taxes or cancellation of allotment of plot to them. Custodial interrogation of petitioner is also required. Learned Trial Court has rightly dismissed his application.

5. This Court has given an anxious thought to aforesaid submissions made by learned counsel and perused the record.

6. It is an undisputed fact that petitioner and his mother – Amarjit Kaur were partners of firm – M/s Electro Mag. Corporation and plot in question was subsequently sold by them to Sanjiv Vashist, and at the time of sale/ transfer of plot in favour of Sanjiv Vashist, petitioner furnished an attested copy of permanent registration certificate which was subsequently found to be fake in view of verification got conducted by the complainant.

7. Though, submission of copy of permanent registration certificate to Corporation has been denied by petitioner but one thing is evident that in the absence of this certificate, transfer of plot was not

possible. It was the basic requirement. It appears that in order to achieve his malafide object, petitioner furnished a fake certificate and succeeded in transferring industrial plot to Sanjiv Vashist. Due to furnishing of a fake certificate, a huge loss to the tune of ₹ 42,30,000/- was suffered by the Corporation. At the same time, petitioner succeeded in avoiding resumption or cancellation of plot.

8. No doubt, case is based upon documentary evidence but in view of fact that petitioner has caused huge loss to Corporation, he is not entitled to discretionary relief envisaged under Section 438 Cr.P.C. Such a discretionary relief is required to be granted to person against whom allegations are either found to be false or baseless or that same do not disclose any cognizable offence but in the facts & circumstances of instant case, no opinion can be expressed at this stage.

9. In the light of what has been discussed above, this Court finds no merit in the instant petition. As such, same is accordingly dismissed.

April 01, 2015
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(Jaspal Singh)
Judge