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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2387/2015**

HARMINDER SINGH Petitioner
Through Adv. (appearance not given)

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through Mr. M.P. Singh, APP for the State.
Mr.Vijay Kumar Aggarwal, Adv.
with Mr.Neeraj Kr. Jha & Mr.Nitin
Singh, Advs. for R2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **16.12.2015**

Heard the counsel for the parties.

The petitioner seeks bail in connection with FIR No.1072/2014 registered at PS Janak Puri instituted for offences under Sections 464/465/467/468/471/120-B of the IPC.

The present FIR is at the instance of the wife of the petitioner. She has alleged that the petitioner is a person of dubious character and in order to hoodwink the process of law, has been providing wrong information before the Court in all proceedings.

It has been averred in the FIR that though the petitioner always claimed to be residing separately from his parents but the fact of the matter is that he always stayed with his parents. The petitioner is also alleged to have furnished fake documents with regard to his residence proof.

The rent agreement which were furnished by him earlier, on the orders of the Court, on inquiry, were found to be false, fake and fabricated. The petitioner is alleged to have changed his address for 14 times over a span of four years when a number of cases have been filed by the complainant against her husband, i.e. the petitioner.

Learned counsel for the petitioner submits that for the fear of being unnecessarily harassed, the petitioner has been changing his address every now and then. He denies of having made wrong statements before the Court in any proceedings about his address or his not staying with his parents.

Mr.Vijay Aggarwal, learned counsel for the complainant, however, has submitted a list of the cases in which the petitioner has been made accused. The list is long. All but one of the cases of the list have been filed by the wife of the petitioner.

Mr.Aggarwal has also raised objection with regard to the maintainability of the petition as the affidavit of this petition has been sworn by an advocate. He submits that there has been a direction of this Court for accepting only such petitions which are affidavited by the close relatives of the person if he is in custody or by his legal representatives. It has never been in the practice that any advocate will swear an affidavit with regard to the correctness and veracity of the statement made in the petition.

Learned counsel for the petitioner in response to such statement submits that he is ready and willing to withdraw the affidavit in order to substitute it by another affidavit. It appears that out to lack of knowledge of procedural law and the practice prevalent in the Court, such an affidavit was filed by an advocate. What is to be seen is whether the statements made in the petition are correct or not.

True it is that the conduct of the petitioner in the past was found to be suspicious in as much as, only in order to take benefit in the Court proceedings, from the Court, fake documents were furnished. But in cases lodged for such offences either chargesheet has been submitted or the cases are pending investigation.

However, considering the fact that the petitioner has strained relationship with his wife who has chosen to file so many cases against him, this Court is inclined to release the petitioner on bail, even though being mindful of the fact that he has been misusing such privileges in the past.

What has weighed with the Court in granting bail to the petitioner is the fact that the complainant, in most of the cases, is the wife of the petitioner as well as his period of custody in the present case.

The petitioner is said to be in jail from 22.01.2015.

Considering the aforesaid facts, the petitioner is directed to be released on bail on his furnishing a bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

It is made clear that in case the petitioner furnishes any fake information either while furnishing his bail bonds or with respect to any proceedings in any Court hereafter, it would be open for the complainant/state to seek cancellation of his bail.

The application is allowed and disposed of with the aforesaid observations.

Dasti.

ASHUTOSH KUMAR, J

DECEMBER 16, 2015/ab