

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

Criminal Misc.No.M-2968 of 2016

Date of Decision: January 28, 2016

Shiv Dutt Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Kshitij Sharma, Advocate,
for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Shiv Dutt Sharma, who has been booked for having committed the offences punishable under Sections 120-B, 419, 420, 467, 468 and 471, IPC, in a case arising out of FIR No.456, dated 06.11.2012, registered at Police Station, Central Faridabad, Haryana.

Learned counsel contends that the petitioner had identified Kashmir Kaur, who was allegedly a fictitious person. In fact, the petitioner had identified the correct person. He further submits that the petitioner is 64 year old male, who is suffering from malignancy. It has been pointed out that nothing is to be recovered from the petitioner. He further submits that the charge-sheet (*challan*) has been presented before the Court below and co-accused of the petitioner have been granted bail.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

It is the second petition for grant of pre-arrest bail before this Court. Earlier petition filed by the petitioner was dismissed for want of prosecution on 08.12.2015.

The allegations against the petitioner are that he identified a fictitious person who was posing herself to be Kashmir Kaur while selling the land belonging to Kaushalya, Deen Dayal, Sita Devi and Prabhu Dayal. The petitioner has already been convicted in a similar case of fraud etc. To the considered opinion of this Court, the custodial interrogation of the petitioner would lead the Investigating Agency to unearth the real facts. During arguments, it was put to learned counsel for the petitioner that as to whether the charge-sheet has been presented against the petitioner or he has been shown in the column of absconding persons but the learned counsel could not answer to the said query.

Dismissed.

January 28, 2016
seema

(Naresh Kumar Sanghi)
Judge