

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

(212)

CRM-M-37635-2015

Decided on: April 12, 2016.

Shaiwal Gupta

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Bipan Ghai, Sr. Advocate, with
Mr. Paras Talwar, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Vikash Kuthiala, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of complainant Prerna Kaur, his wife, alleging that he had prepared a fake provisional certificate of LL.B of Lukhnow University. On the basis of said provisional certificate, he obtained a licence to practise as an Advocate from Bar Council of Punjab and Haryana, Chandigarh in the year 2007. He had also acquired two chambers in Judicial Court Complex Ludhiana on the basis of fake licence. He committed an offence of cheating the general public. Licence of the petitioner was cancelled by Bar Council of Punjab and Haryana but he has been practising as such.

Learned counsel for the petitioner submits that challan has already been presented and that operation of the order cancelling the licence

of the petitioner stands stayed by Bar Council of India. It has also been submitted that the petitioner has been granted concession of interim bail during pendency of the present petition by a Coordinate Bench.

Learned counsel for the complainant has intervened to oppose application for bail contending that the petitioner is involved in seven more criminal cases and that he has cheated the complainant by impersonating as Advocate on the basis of fake documents. He had been practicing law without any valid degree.

The complainant has also appeared in person contending that the petitioner has threatened the complainant that in case she opts to approach any authority complaining against him, he would kill her. She has submitted that in a case of criminal intimidation, the driver of the petitioner was arrested. He has appeared before the Magistrate and stated under Section 164 Cr.P.C that he did not have any grievance against the complainant but he had been instructed by the petitioner to threaten and assault the complainant. The complainant also informed that she has also filed a complaint before the police authorities of Police Station Division No.5, Ludhiana.

I have heard learned counsel for the petitioner, learned counsel for the complainant as well as learned State counsel and gone through the police file.

It is an admitted fact that challan has already been presented in this case. Taking into consideration the nature of the allegations and the status of the trial and considering the apprehensions of the complainant, I have made an attempt to strike a balance between the right of the liberty of

the petitioner as well as right of complainant. I am of the opinion that since the petitioner is on bail in other cases and has been granted interim bail by a Coordinate Bench, he can be granted concession of regular bail.

Petition is allowed. It is ordered that the petitioner will be released on bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that he will not tamper with the evidence or threaten the witnesses and will not in any manner intimidate the complainant and her witnesses. In case of violation of any of the condition, it will be open to the complainant to approach this Court for cancellation of bail.

(M.M.S. BEDI)
JUDGE

April 12, 2016
harsha