

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

Crl. Misc. No.M-39843 of 2014

Date of Decision: 04.10.2016

Kuldeep Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. J.K. Puri, Advocate
for the petitioner.

Mr. L.S. Virk, Addl. A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

Crl. Misc. No.31489 of 2016

This application has been moved for placing on record
Annexure P-13.

Criminal Misc. Application is allowed and Annexure P-13 is
taken on record.

Crl. Misc. No.M-39843 of 2014

This petition has been filed under Section 438(2) Cr.P.C for
cancellation of anticipatory bail granted to respondents No.4 and 5 in case
FIR No.107 dated 14.06.2014 registered under Sections 406, 419 and
120-B IPC at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the complainant
party was given threats by the accused persons just to influence the

witnesses and to put pressure so that he may not appear in the Court to depose against them. Learned counsel further submits that there is every possibility that the petitioner-complainant is prevented from recording his statement before the trial Court. A complaint was also made to the police authorities but no action has been taken thereupon. Even the statement of the petitioner has not been recorded so far.

In response to notice of motion, reply has been filed, which is on record.

Learned counsel for the respondent-State, on the basis of reply, submits that the allegations made in the complaint were verified and the same were found to be false. During course of investigation, it was found that the signatures put by Narinder Singh on the pronote amounting to ₹10 lacs were got compared by the Court of Judicial Magistrate Ist Class, Fatehgarh Sahib and the same were not found to be of Narinder Singh. False allegations are being levelled by the petitioner just to make out a ground for cancellation of bail.

Learned counsel for the petitioner submits that the petitioner is still apprehending threat at the instance of accused party as he has to appear before the trial Court to make his statement during trial.

Admittedly, the grounds for grant of bail and for cancellation of bail are different. The allegations made by the petitioner were not found correct and even as per case of respondent-State, the signatures were not found to be of Narinder Singh. It cannot be said at this stage that the contents of the complaint are correct when the same have been verified by the police but by considering the request of learned counsel for the petitioner, in case, any application is made by the petitioner for grant of

protection at the time of recording of the statement before the trial Court the same be granted by the concerned police authority so that there cannot be any apprehension of threat during making of statement before the trial Court.

Disposed of but no ground is made out to cancel the bail.

04.10.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No