

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

**CRM No.M-15743 of 2016 (O&M)
Decided on: 09.05.2017**

Saurabh KapoorPetitioner
Versus
State of Punjab and others ...Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. B.S. Bairagi, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Mr. Hemender Goswami, Advocate for respondent No.3.

REKHA MITTAL, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.6 dated 23.03.2016 under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered at Police Station Women Cell, Jagraon, District Ludhiana (Rural).

Counsel for the petitioner has submitted that marriage between the petitioner and complainant was performed on 23.07.2015. After one month of marriage, the petitioner left for Canada on 19.08.2015 but he was stopped at the airport due to some problem in the VISA and was sent back to India on 21.09.2015. It is further submitted that as the complainant performed marriage with the petitioner because she wanted to go to Canada through the petitioner as her sister Aarti is also resident of Canada, a false case has been registered by concocting the allegations in regard to demand of Rs.5,00,000/- or refusal to return the documents, jewellery and certificates, etc. It is further submitted that the petitioner would not gain

in any manner by keeping the original documents with him and he has already produced the photocopies of the documents which were in his custody. The last submission made by counsel is that the petitioner has already joined investigation in terms of order dated 09.05.2016 and is ready to co-operate throughout.

Counsel for the complainant would urge that besides demand of Rs.5,00,000/- made for completing formalities for getting PR of Canada, the petitioner has not returned the documents, jewellery and certificates, etc. It is strenuously argued that the petitioner, a practicing Advocate at Ludhiana, through a counsel issued a legal notice to the jewellers from whom the complainant had purchased jewellery and relied upon the bills issued by them. It is further argued that as the petitioner has already started tampering with the investigation, he is not entitled to pre-arrest bail, a concession to be allowed by the Court.

Counsel for the State has opposed the prayer for bail on the premise that the complainant has produced bills with regard to purchase of jewellery, relevant witnesses in this regard have been examined during investigation, therefore, custodial interrogation of the petitioner is required for recovery of original certificates and jewellery.

I have heard counsel for the parties, perused the paperbook as well as police records.

Concededly, the petitioner was allowed interim bail by this Court on 09.05.2016 and he joined investigation and was released on interim bail. The parties were referred to the Mediation and

Conciliation Centre of the Court but they could not sort out their differences.

Counsel for the complainant has produced on record copy of legal notice (Annexure R1) issued by Davinder Pal Singh, Advocate on behalf of the petitioner and his mother to Hemraj son of Jaswant Rai of M/s. Jaswant Jewellers, Sarafa Bazar, Raikot, Ludhiana alleging that they with criminal intention connived with Shivani Kapoor and Parveen Kumari, mother of Shivani Kapoor to get register false FIR, issued a forged and fabricated document on estimate sheet of the firm in respect of jewellery.

On a query raised by the Court, counsel for the petitioner has not denied issuance of legal notice by Sh. Davinder Pal Singh, Advocate but he would state that Davinder Pal Singh is a friend of petitioner – Saurabh Kapoor.

A bare reading of legal notice (Annexure R1) would make it evident that the petitioner by misusing his position as an Advocate attempted to threaten and intimidate a witness of the prosecution. Taking a serious view of this illegality committed by the petitioner knowing fully well consequence of his act, the petitioner has dis-entitled himself to seek pre-arrest bail, a concession to be allowed in extraordinary circumstances.

For the foregoing reasons, the petition fails and is accordingly dismissed.

09.05.2017

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Whether speaking/reasoned
Whether reportable:

(REKHA MITTAL)

JUDGE

Yes/No
Yes/No