

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

CRM No. M-20091 of 2017 (O&M)

Date of Decision: 02.06.2017

Jaswant Singh

--Petitioner

Versus

U.T. Chandigarh

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. L.S. Sidhu, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.39, dated 12.05.2017, under Sections 420/120-B IPC, registered at Police Station Sector-49, Chandigarh.

Having heard counsel for the petitioner at length and having perused the case paper book, this Court is of the considered view that the petition merits dismissal.

Allegations against the petitioner are that he in purported exercise of the powers of the President of the Meters and Instruments Staff Cooperative House Building Society has on 13.04.2015 issued documents with regard to transfer of ownership of a dwelling unit i.e. Flat No.3411, Sai Enclave, Sector-49-D.

During the course of arguments, a factual premise that has not been rebutted is that the Managing Committee of the Society had been suspended on 02.12.2013 and administrator had been appointed.

The allegations against the petitioner would be a matter of

serious concern as to under what authority of law and competency, did he act as a President of the Society and at a point of time, when the Managing Committee already stood suspended by the competent authority.

That apart, perusal of the order dated 23.05.2017 passed by learned Additional Sessions Judge, Chandigarh while declining the concession of anticipatory bail would reveal that certain relevant records i.e. the original register/record of society membership deed and other original record regarding the membership register and in which allegedly certain tampering has been made is yet to be recovered.

In the totality of circumstances and against the backdrop of the allegations, this Court is not inclined to extend in favour of the petitioner, concession of pre-arrest bail.

Petition is dismissed.

02.06.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |