

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-21417 of 2017 (O&M)
Date of Decision: 08.06.2017

Bhagwati Parsad

--Petitioner

Versus

State of U.T through S.S.P., Chandigarh

--Respondent

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

Present:- Mr. S.K. Guleria, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.39 dated 12.5.2017 under sections 420, 120-B I.P.C, 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 instant petition merits dismissal.

Allegations against the present petitioner are that he in purported exercise of the powers of Secretary of the Meters and Instruments Staff Cooperative House Building Society has, on 13.4.2015, issued documents in connivance with the President of the Society and co-accused Jaswant Singh with regard to transfer of ownership of a dwelling unit i.e. Flat No.3411, Sai Enclave, Sector 49-D, Chandigarh.

A factual premise that has gone unrebutted is that the Managing Committee of the Society had been suspended on 2.12.2013 and Administrator had been appointed.

Allegations against the petitioner would be a matter of serious concern as to under what authority of law and competency, did he act as

Secretary of the Society and at a point of time when the Managing Committee already stood suspended by the competent authority.

Stand taken on behalf of the petitioner that he had earlier in point of time been working as a subordinate to co-accused Jaswant Singh, President in Micron Instruments and as such, may have signed documents without any ulterior motive and without knowledge, does not inspire confidence.

That apart, perusal of the order passed by the learned Additional Sessions Judge, Chandigarh declining concession of anticipatory bail to the petitioner would show that the police file had been perused and wherefrom it transpires that the relevant document showing transfer of ownership i.e. on 13.4.2015 allegedly carries signatures of the present petitioner.

Co-accused Jaswant Singh and against whom there were similar allegations, has been declined concession of anticipatory bail by this Court vide order dated 2.6.2017, passed in CRM No. M-20091 of 2017.

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

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.06.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No