

..

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25451-2017

Date of Decision:- July 18, 2017

Gurcharan Singh Syal

....Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sartej Singh Narula, Advocate,
for the petitioner.

Mr. Raj Birinder Singh Chahal, Addl. AG, Punjab,
for the respondent State.

Mr. Vikas Bahl, Senior Advocate,
with Mr. Rishabh Gupta, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 438 Cr. P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No. 45 dated 30.03.2016 registered under Sections 419, 420, 465, 467 and 468 of Indian Penal Code at Police Station Division No.3, Jalandhar.

Learned counsel for the petitioner contended that the petitioner is a well reputed Chartered Accountant practicing since 1974 and he has been falsely implicated in this case. The FIR was got registered as per provisions of Section 156(3) Cr. P.C. Despite there being a detailed enquiry conducted by the police finding the petitioner to be innocent. Moreso, the entire dispute is purely of civil nature. The petitioner had

..

signed the *Vakalatnama* in favour of Shri G.S.Mattu, Advocate mentioning himself to be a Director of M/s Krishna Real Estate Enterprises Private Limited [hereinafter referred to as “the Company”]. There was neither forgery of documents at any stage nor there was any criminal liability and the complainant was trying to implicate the petitioner by converting civil dispute into a criminal case. Still the petitioner is ready to join the investigation. As such, the petitioner be allowed the concession of pre-arrest bail in this case.

Notice of motion.

Mr. Raj Birinder Singh Chahal, Addl. Advocate General, Punjab who is present in the Court, accepts notice on behalf of the respondent-State.

Mr. Vikas Behl, learned Senior Advocate with Mr. Rishabh Gupta, Advocate has put in his appearance on behalf of the complainant.

Learned State counsel assisted by learned senior counsel for the complainant, has submitted that the intention of the petitioner was deceitful right from the beginning as he wanted to use the control and management of the Company by depriving the legal heirs of late Ashok Kumar Malhotra and passed invalid resolutions and filed forged and fabricated documents with the Registrar of Companies even. Even the Company Law Board directed the present petitioner to hand-over the physical possession of assets and all kind of the management of the Company to the complainant and the petitioner even disobeyed those orders. Administrator-cum-Facilitator was appointed by Company Law Board and at that stage, the petitioner had not complied with the award

..

deliberately and the order dated 5.2.2015 was passed to the effect that the petitioner shall be detained in civil imprisonment for a period of three months. In case, the petitioner is released on bail, he can still hamper with the investigation. So his application for pre-arrest bail be dismissed.

Having considered the submissions made by learned counsel for the parties and the fact that the petitioner is facing allegations of criminal breach of trust and forgery of documents and all these facts can be brought to light even by way of effective investigation by the police and by now, the petitioner has not joined the investigation despite the present FIR having been registered on 30.03.2016, there are absolutely no grounds for releasing the petitioner on pre-arrest bail.

The present petition stands dismissed.

July 18, 2017
som

(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned	Yes
Reportable	No