

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

**CRM-M No.11754 of 2016 (O&M)**

Date of decision: 8<sup>th</sup> March, 2018

Hardip Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab  
for respondent No.1/State.

Mr. Surjit S. Swaich, Advocate for respondent No.2.

**FATEH DEEP SINGH, J.**

Petitioner Major (Retd.) Hardip Singh has sought cancellation of bail to respondent No.2 Daya Singh allowed by this Court vide orders dated 30.04.2015 (Annexure P1) in case bearing FIR No.17 dated 11.02.2015 under Sections 420/467/468/471 IPC pertaining to Police Station Sarhali, District Tarn Taran.

Claim of the petitioner is that there has been concealment of facts and misrepresentation and that the learned Sessions Court through impugned orders (Annexure P2) had declined the same and hence the petition in question.

Heard Mr. N.S. Sodhi, Advocate for the petitioner; Mr. B.S. Sewak, Addl. Advocate General, Punjab representing respondent

No.1/State and Mr. Surjit S. Swaich, Advocate appearing on behalf of respondent No.2.

The contentions of learned counsel for the petitioner are that there has been misleading and misrepresentation by respondent No.2 to enable him to secure favourable orders and has sought to harbor that some civil litigation is pending between the two sides and in the criminal case lodged by complainant/respondent No.2 before the police the petitioner has since been acquitted.

Though on behalf of the State with all fairness Mr. B.S. Sewak, Addl. Advocate General, Punjab assisted by Mr. Surjit Singh Swaich, Advocate representing respondent No.2 have vehemently argued that such a stipulation never formed part of the orders and was not a consideration for allowing bail and the instant petition is certainly founded as an arm twisting tactics by the petitioner.

Appreciating the submissions, the impugned order (Annexure P1) clearly elucidates that it is in respect of process being adopted by the Court in lodging FIR rather than proceeding under Section 340 Cr.P.C. and holding that such a process was unwarranted, has allowed bail and the operative part of which order is reproduced as below:

*“However, neither the counsel for the State nor the complainant could convince this Court how a case for separate registration of an FIR is made out, even if, those documents having been used in a Court of law the specific provisions by way of Section 340 Cr.P.C. are enacted to deal with such cases and even*

*otherwise as has been submitted on behalf of the petitioner these documents are already available before the police as well as before the Court and without adverting onto the merits of the case apparently no case for custodial interrogation is made out and even the registration of the present case is a debatable issue.”*

A close look at the same shows that it was a procedure adopted by the Courts below by which FIR was registered, in which bail was allowed and was purely on the grounds that instead provisions of Section 340 Cr.P.C. needs to be followed; and thus, no case of misrepresentation could be made out and neither learned counsel for the petitioner could support his arguments from the impugned order. The petition being hopelessly without merit stands dismissed with exemplary costs of Rs.5000/- as the same is purely to wreak vengeance, as the parties are already at loggerheads over certain issues for which repeatedly various processes are being resorted to and thus wasting valuable time of the Courts. The costs shall be deposited with the High Court Legal Services Committee.

**(FATEH DEEP SINGH)**  
**JUDGE**

**March 8, 2018**

*rps*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No