

**Sr. No.201
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-2385 of 2017 (O&M)

Date of Decision: 27.02.2018

Naresh Devgan Sharma

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. R.S.Bains, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. B.S.Aulakh, Advocate,
for Bar Council of this Court.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre arrest bail in case FIR No.25 dated 16.01.2017, under Section 384/420/506 of IPC, registered at Police Station Focal Point Ludhiana.

While issuing notice of motion, the following order was passed by this Court on 24.01.2017:-

“Learned counsel for the petitioner contends that registration of FIR No. 25 dated 16.1.2017 under Sections 384/420/ 506 IPC at Police Station Focal Point, Ludhiana is a counter blast to the complaint under Section 156 (3) Cr.P.C. dated 8.10.2016 filed by the petitioner in the context of forging the order of the Hon'ble Supreme Court by the complainant. The FIR only recited “He rendered me penny less. Under

immense threats he took ` 4 lacs as extortion from me to withdraw the complaints against me and which he did. I have C.D. for this. Now he has threatened if I do not give him ` 15 lacs, he will get my whole family i.e. myself, my wife and minor son eliminated through contract killers of force.....”

The aforesaid allegations are not supplemented with time, place or manner of advancing any such threat.

Notice of motion for 6.3.2017.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 31.1.2017 and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

On a subsequent date of hearing i.e. 12.09.2017, this Court noticed that the complainant as also accused party were both advocates and there were an allegation of forgery of Supreme Court orders at the hands of the complainant and which had led to the filing of complaint at the hands of the present petitioner against the complainant prior to the registration of the instant FIR. Directions were issued for the Bar Council of Punjab and Haryana to look into the matter. On 12.09.2017, the following order was passed:-

“Heard learned Counsel for the rival parties.

This fate of litigation between two Advocates from District Bar, Ludhiana is bizarre. There is an

allegation of forgery of Supreme Court order also. This Court wonders as to how Bar Council of Punjab and Haryana has remained a silent spectator in these matters when there are allegations about forgery of Supreme Court order. There are cases and counter cases between the two advocates. The proper authority to take action in the matter and to stop cleaning of dirty linen before the public is the Bar Council of Punjab and Haryana. This Court does not want the continuance of cleaning of dirty linen before the public. In that view of the matter, Bar Council of Punjab and Haryana is directed to take up the matter and make an inquiry and place the inquiry report before this Court. The inquiry shall be made and the report submitted within a period of three months from today.

List again on 14.12.2017.”

Mr. B.S.Aulakh, Advocate puts in appearance representing Bar Council of Punjab and Haryana and has during the course of hearing today apprised the Court that an inquiry was conducted and the Disciplinary Committee of Bar Council of Punjab and Haryana has passed an order dated 25.02.2018 wherein a view has been taken that the complainant herein has committed gross professional misconduct and accordingly his enrolment has been suspended for a period of 06 months as per Provisions of Section 35 of the Advocates Act.

State counsel upon instructions from ASI Sukhwinder Singh, Focal Point, Ludhiana informs the Court that the petitioner has since joined investigation.

In view of the peculiar facts and circumstances of the case, custodial interrogation of the petitioner would not be warranted.

Prayer made in the instant petition is accepted.

Order dated 24.01.2017 passed by this Court is made absolute.

Disposed of.

Pending application(s), if any, shall also stand disposed of.

27.02.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No