

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

CRM No.M-26683 of 2018 (O&M)

Date of Decision: July 12, 2018

Surjit Singh and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Munish Behl, Advocate
for the petitioners.

Mr.Pawan Sharda, Sr. DAG, Punjab
for the respondent-State.

Mr.R.S.Bains, Advocate
for the complainant.

INDERJIT SINGH, J.

CRM No.22118 of 2018

For the reasons mentioned in the application, the same is allowed. Naresh Devgan Sharam is impleaded as respondent No.2 in the main case.

CRMs No.22159 and 22595 of 2018

The applications are allowed. Annexures R-1 to R-18 and R-19 to R-24 are taken on record, subject to all just exceptions.

CRM No.M-26683 of 2018

grant of anticipatory bail in case FIR No.194 dated 12.08.2017 under Sections 420, 465, 467, 468, 471, 389, 189, 193, 195 and 196 IPC, registered at Police Station Division No.5, District Ludhiana.

Notice of motion was issued and learned State counsel as well learned counsel for the complainant-respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR has been registered in the present case on the basis of complaint made by Vijay Goyal against N.D.Sharma @ Naresh Devgan Sharma regarding registration of case against N.D.Sharma and his associates for getting registered false cases by misguiding the police and the Court for illegal recovery. Complainant Vijay Goyal stated in the FIR that N.D.Sharma, who is an Advocate by profession, has got registered many false cases against people during his practice and has recovered money from them. There is hardly any case, which is contested by him from very beginning or which may have been decided on merits because N.D.Sharma is a fraud and criminal mind person as it is his habit to implicate the people in false cases and then put pressure upon them to recover money illegally. It is further stated that after publication of the news, so many persons have made complaints against said Advocate. To put pressure upon the complainant, he started making false complaints and filed 14 cases by fabricating the documents and concocting false allegations. These cases were filed by him through his associates. The accused has fabricated an order in SLP No.1313 dated 13.01.2013 passed by the Hon'ble

order of framing charges. It is also the allegation that accused has fabricated documents himself to implicate innocent people by hatching conspiracy and later on misguided learned Addl. Sessions Judge with the help of Clerk, Reader and Steno.

During investigation, present petitioner was nominated. As per the record, in 2017, present petitioner was posted as Reader-cum-Public Information Officer in the Court of learned JMIC, Ludhiana. Then, N.D.Sharma filed an application under RTI Act and it is stated by present petitioner that due to pressure of work, he inadvertently supplied wrong information to the said Advocate. When he came to know about the mistake, he immediately corrected it and supplied the correct information to said Advocate as well as also informed and sent the correct information to then Reader-cum-Public Information Officer in the Court of learned CJM, Ludhiana. The copy of corrected information was also forwarded to the Secretary (General), Hon'ble Supreme Court and Commissioner of Police, Ludhiana.

The perusal of the record shows that on the application of accused N.D.Sharma seeking information, present petitioner gave names of so many persons/officers including Commissioner of Police, SSP etc..

Keeping in view the serious allegations against the petitioner, who was posted as Reader-cum-Public Information Officer that he connived for giving false information and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that petitioner is required for custodial interrogation and no ground is made out for granting anticipatory bail to him

Therefore, finding no merit in the present petition, the same is

dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 12, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No