

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-38902-2018 in/and
CRM-M-46388-2018 (O&M)
Date of decision : 27.11.2018

Gurmeet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. H.S. Jalal, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Deepak Aggarwal, Advocate for complainant.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

CRM-38902-2018

Application is allowed. Affidavit 25.10.2018 (Annexure P-4) is taken on record.

CRM-M-46388-2018

Heard.

This is a petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 183 dated 21.9.2018 under Sections 420, 465, 471 of the Indian Penal Code and Section 125-A of the Representation of the People Act, registered at Police Station Canal Colony, District Bathinda.

Learned counsel for the petitioner states that petitioner won the election of Councilor of Municipal Corporation, Bathinda in February 2015. At that time, she had produced a certificate issued by Tehsildar, Bathinda that she belongs to Scheduled Castes category.

It comes out that later on after the elections, the said certificate was cancelled by the Tehsildar, Bathinda. The complaint was filed more than 3 years later i.e. on 2.6.2018 before the Judicial Magistrate Ist Class, Bathinda, who mechanically sent the same to the police under Section 156(3) of the Code of Criminal Procedure apparently without applying his mind to the facts of the case. In fact, the allegations which has now come up are that certificates are obtained by misrepresentation as the petitioner does not belong to the Scheduled Castes category. However, this does not amount to forgery and only amount to misrepresentation before a public servant who is required to look into the matter whether any misrepresentation was made to him or not?

It being so, it appears that present case has been lodged to settle political score and the Court was used as mean to achieve that end.

It being so, there is no ground for custodial interrogation of the present petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on anticipatory bail on her furnishing personal bonds in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the arresting officer.

(KULDIP SINGH)
JUDGE

27.11.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No