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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19994-2019

Date of Decision : July 08, 2019

Vijay Kumar Goyal

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Atul Lakhanpal, Senior Advocate,
with Ms. Bably Kumari, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab,
for respondent-State.

Complainant - Mr. N.D.Sharma, in person.

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail in case bearing FIR No. 83 dated 28.03.2017 (Annexure P/1) under Sections 466, 467, 468, 469, 471, 472, 420 and 120-B IPC registered at Police Station Daba, Ludhiana.

2. The matter relates to forging of order of Hon`ble Supreme Court dated 25.02.2013, copy of which has been annexed as Annexure C/8 (Colly). For facility of reference, the said order is reproduced hereunder:-

"Date: 25.02.2013 This petition was called on for hearing today.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE VIKRAMJIT SEN**

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For Petitioner(s) Mr. Abhinav Ramkrishna, Advocate
 Mr. Purvish Jitendra Malkan, Advocate
 Mr. Ritesh Khatri, AOR

For Respondent(s)

Upon hearing counsel the Court made the following

ORDER

Having heard learned counsel for the petitioner, we are of the view that since charge sheet has already been filed in the matter, the relief sought for by the petitioner can be considered only at the time of framing of charge.

We, therefore, express no opinion on the factual aspect of the matter, which has been highlighted in the Special Leave Petition, and leave it to the petitioner to urge all these points at the stage of framing of charge.

The Special Leave Petition is dismissed with the aforesaid observations.

(Sheetal Dhingra)
Court Master

(Juginder Kaur)
Assistant Registrar

3. Learned senior counsel for the petitioner mainly contended that the matter was investigated and enquired into and vide report dated 18.10.2017 (Annexure P/2) by Assistant Commissioner of Police (West) the FIR was recommended to be cancelled which was agreed upon by Additional Commissioner of Police, Ludhiana and also by Commissioner of Police, Ludhiana. During investigation of FIR No. 83 dated 28.3.2017, it was found that the petitioner was innocent, but in fact the real culprit was the complainant, namely, N.D.Sharma against whom FIR No. 194 dated 11.08.2017 was registered and after completion of investigation challan was presented before the Court of competent jurisdiction.

4. Learned senior counsel for the petitioner further contended that said N.D.Sharma had filed 14 complaints against the present petitioner

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and he has been falsely implicated in the present case. He further contended that Hon`ble Apex Court had never passed any order on the judicial side, rather vide letter dated 12.5.2014 (Annexure P/20), the matter was referred by Hon`ble Apex Court to the Secretary, Bar Council of Punjab and Haryana, Chandigarh to look into the letter dated 2.5.2014 alongwith annexures received from Bhupinder Singh, Ludhiana for taking action as deemed fit in the matter. As such, the petitioner is apprehending arrest in this false case. So, he be released on pre-arrest bail.

5. While opposing the application for anticipatory bail, Learned State counsel as well as complainant, who appeared in person, contended that the order of Hon`ble Apex Court was forged and on having sought clarification from Hon`ble Apex Court, it was revealed that no order dated 13.1.2013 was passed by Hon`ble Apex Court in SLP (Crl.) No. 1313 of 2013.

6. Learned State counsel also contended that in revision petition having been filed by the complainant, petitioner Vijay Kumar Goyal appeared and placed on record copy of e-mail allegedly received from Advocate General, Punjab, Chandigarh and petition for Special Leave Petition (Crl.) No. 1313 of 2013. Subsequently, an application was filed for rectification of order dated 6.9.2016 and learned Additional Sessions Judge, Ludhiana passed order on 24.10.2016 that the order dated 6.9.2016 was not required to be rectified and same response was sent by Additional Sessions Judge, Ludhiana to the District and Sessions Judge, Ludhiana on 19.10.2016.

7. Learned counsel for the respondents also contended that the matter was referred to the Bar Council of Punjab and Haryana as per

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orders passed by this Court in CRM-M-2385 of 2017 and the following observations were made in the order dated 27.02.2018 :-

“ 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.”

8. It was prayed that the matter requires effective investigation and no case is made out for release of the petitioner on pre-arrest bail.

9. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file, this Court is of the considered view that as the issue is of serious concern for the entire judicial system because order of Hon`ble Apex Court has been dared to be forged, the matter requires effective investigation to reach at a logical end so that real culprits may be brought to the books. Despite the fact that the police at their own level conducted investigation and submitted cancellation report earlier, but that would not be the logical end to the matter. For that purpose, the matter was also looked into by the disciplinary committee of Bar Council of Punjab and Haryana and there were some findings against the present petitioner though the same have not attained the finality. But at any rate, the entire matter requires intensive investigation and there is no extra ordinary ground for grant of concession of anticipatory bail to the petitioner in this case.

10. Resultantly, there is no merit in the present petition and the same stands dismissed.

11. Any observation made herein above shall have no bearing on

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the merits of the case.

(SHEKHER DHAWAN)
JUDGE

July 08, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes