

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

CRM-M-16678-2020

Date of Decision:24.08.2020

Shamender Singh

.....Petitioner

Vs.

State of Punjab & another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Lakshay Bajaj, Advocate,
for the petitioner.

Mr.Parveen Bhadu, AAG, Harryana.

Mr.Abhinav Aggarwal, Advocate,
for respondent no.2-complainant.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Pursuant to the order dated 16.07.2020, a reply of respondent no.2, i.e. the complainant, has been filed, annexing therewith an affidavit sworn by one Janpal, carrying a stamped dated September 08, 2017, (on the photocopied version only and not on the typed version), stating therein that he had purchased a Swift car from Ravi Kumar son of the complainant, for a down payment of Rs.40,000/-.

Of course, the name of the petitioner is not mentioned anywhere in the affidavit but learned counsel for the complainant submits that it was through the petitioner that the vehicle was purchased and that in fact

the allegation in the petition (paragraph 5) that the complainants' son Ravi Kumar had issued cheques of Rs.1,76,000/- each, of which one was encashed and the other one was dishonoured, is a wholly false statement in the face of the statement of account annexed with the reply as Annexure P-2, showing that between 27.04.2017 to 10.10.2017, there was no transaction at all from the joint account of the petitioner and his son Ravi Kumar.

He therefore submits that the affidavit alleged to have been sworn by Ravi Kumar (copy Annexure P-2), is also a wholly fabricated document.

In response, learned counsel for the petitioner has sent by way of “Whatsapp” communication to the Reader of this court a statement of account of one Krishan son of Dalbir Singh, dated 10.08.2020, issued by the Indian Overseas Bank, Kabri, to submit that on 27.10.2020 a particular cheque for an amount of Rs.1,76,000/- had been returned.

When put a query as to whether the aforesaid Krishan son of Dalbir Singh, even finds mention anywhere in the petition, learned counsel for the petitioner has not been able to point out any reference to the aforesaid Krishan.

Learned State counsel submits that the petitioner though is joining investigation, however, is not even disclosing the addresses of the aforesaid Janpal and the other accused in the FIR (Sanjiv).

That being so, looking at the aforesaid circumstances, without making any comment on the actual merits of the case on either side, I do not consider this to be a fit case to continue the interim order in favour of the

petitioner, and consequently, while dismissing this petition, the interim order is vacated.

Accordingly, dismissed.

August 24, 2020

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO