

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

(103)

CRM-M-22557-2020

Date of Decision: August 14, 2020

Kapil Sharma

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Santosh Kumar Tripathi, Advocate, for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

This is the third petition under Section 439 Cr.P.C for the grant of regular bail in case FIR No.204 dated 14.04.2019 under Sections 406, 420, 467, 468, 471, 120-B of the IPC registered at Police Station City Ballabgarh, District Faridabad.

Learned counsel for the petitioner states that petitioner has wrongly been implicated in the present FIR and therefore, he is entitled for the grant of regular bail.

Before advertng to the facts, conduct of the petitioner needs to be noticed which shows that the petitioner is trying to hoodwink Court. The petitioner filed bail application before this Court, which was withdrawn by him on 03.06.2020 apprehending the dismissal of the same. Thereafter, the second bail application was moved by the petitioner before this Court, which was also withdrawn by the petitioner as the same was also about to be dismissed. The present is the third bail application. Before filing the third bail application, the petitioner approached the trial Court seeking the bail. In

the said bail application before the trial Court, petitioner intentionally stated incorrect facts to mislead the Court that the previous bail applications filed before this Court were withdrawn because the High Court was giving a long date. This fact duly stands noticed in the order by which the bail application of the petitioner was declined by the trial Court on 20.07.2020. This shows that the petitioner tried to mislead the Court so as to secure the regular bail.

Learned counsel appearing on behalf of the petitioner very fairly conceded that the assertion of the petitioner before the trial Court that the earlier bail applications filed before this Court were withdrawn as long date was being given by the Court, is incorrect and the said fact can only be explained by the petitioner and the counsel who appeared before the trial Court.

In the present case, it is not disputed by learned counsel for the petitioner that there are other two cases registered against the petitioner for the similar allegations of fraud. Serious allegation of forging a sale deed in connivance with an Advocate has been alleged against the petitioner and the complainant in this case has been duped of more than 10 lakhs of rupees.

Learned counsel for the petitioner states that Pankaj, who is a co-accused, has been granted bail by the trial Court on 06.06.2020, hence petitioner is also entitled for the same relief. The order passed by the trial Court is as under:

“Reply of the bail application filed online on the group of video conference call on the whatsapp No. 9718263444.

Arguments heard on bail application. The accused is in custody since 14.08.2019. Trial of the case is likely to take long time to conclude. No useful purpose would be served by keeping the accused Pankaj in any further judicial custody. Therefore, without commenting upon merits of the case, accused is admitted to bail on

furnishing bail bond in sum of Rs.50,000/- with one surety bond in like amount. Requisite bonds not furnished.

Now to come up on 01.07.2020 the date already fixed.”

Surprisingly, the trial Court while granting the bail has not taken into consideration any fact especially the fact that there were other cases pending against the said Pankaj. Totally innocuous order has been passed by the trial Court and that too without advertting to the facts of the case and gravity of the allegations alleged as well as the antecedents of the said co-accused Pankaj, hence, the benefit of said order cannot be taken by the petitioner in the present petition.

In the present case, there are serious allegations of forgery and usurping money of innocent citizens against the petitioner by forging the sale deeds and duping the complainant of his hard earned money. Further, the conduct of the petitioner of misleading the Court, which has been stated hereinbefore, does not entitle him for grant of the benefit of the bail. Petitioner is also an accused in another similar case being FIR No.129 dated 06.03.2019 registered at Police Station Ballabgarh, District Faridabad. This shows that petitioner is a habitual offender.

Keeping in view the totality of the circumstances which include the grave and serious allegations and conduct of the petitioner as well as that petitioner is a habitual offender, no ground is made out for the grant of the bail.

Accordingly, the present petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

August 14, 2020
harsha/naresh.k

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No