

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-31972 of 2020 (O&M)
Date of decision : November 02, 2020

Davinder Nagi

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Partap Singh, Advocate with
Mr. Lekh Raj Sharma, Advocate, for the petitioner

Mr. Baljinder Virk, DAG Haryana

Mr. JS Mehndiratta, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The allegations against accused-petitioner Davinder Nagi, a practising lawyer, in this first anticipatory bail application under Section 438 Cr.P.C. in case FIR No. 56 dated 23.9.2020, under Sections 406, 420, 467, 468, 471, 120-B IPC, Police Station Sector 17, HUDA, Jagadhri are levelled by complainant Ramesh Kumar Verma claiming to be a social activist. In his written

complaint, the complainant states that the petitioner who also is a licenced Notary Public along with his co-accused Ram Saran is alleged to have while the complainant was on the panel of District Legal Services Authority, Yamuna Nagar, he learnt that after stealing his letter pad a legal notice was prepared by the accused which was served upon the Haryana State Legal Services Authority, Panchkula, Haryana and that the affidavit of the complainant was got attested from the petitioner Devinder Nagi against the rules and in contravention of ethics of the profession.

Learned counsel for the petitioner inter-alia contends that the petitioner is an advocate discharging function of Notary Public as well and has merely attested the affidavit regarding which he is not supposed to vouch for the correctness of the averments made therein. It is argued that the petitioner has no role to play in the commission of the offence and which is nothing but rivalry between members of the Local Bar Association and that nothing is to be recovered from the petitioner.

The State counsel though does not displace the factual scenario but has opposed the bail on the grounds of the seriousness of the allegations and heinousness of the offences which has put to disrepute the legal profession.

Be so as it may. The only semblance of allegation against the petitioner are that he attested the affidavit in the capacity of Notary Public. No malice is attributed to the petitioner who has only discharged his duties in that capacity. Nothing is to be recovered from the petitioner. His joining the investigation would suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

November 02, 2020

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**(Fateh Deep Singh)
Judge**

*Whether speaking/reasoned ?
Whether Reportable ?*

*Yes/No
Yes/No*