

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

(Sr. No.203)

CRM-M No. 2141 of 2021

Date of decision : 26.02.2021

Shalander Mohan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Gaurav Mohunta, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Anuj Balian, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.841 dated 20.11.2020 under Sections 307, 323, 324, 342, 452, 120-B IPC and Section 25 of Arms Act (Sections 195, 201, 203, 204, 420 IPC added later on) registered at Police Station Ambala City.

On 20.11.2020, the police received information that in the Court premises in Ambala, the petitioner, who is a practicing advocate, had been assaulted. Acting on such information the Investigating Officer (for short - the IO) reached the petitioner's Chamber only to know that the petitioner had already been taken for treatment to Civil Hospital, Ambala City. Accordingly, the IO went to the hospital and recorded the petitioner's statement as per which Raju son of Gurcharan Singh who was inimical

towards the petitioner and some other unknown persons had caused injuries to him with a knife. On the basis of such statement a formal FIR was registered.

To investigate the alleged assault on the petitioner, the IO went to the place of occurrence and prepared a rough site plan. He also recorded statements of witnesses. The spot of occurrence was also examined by officers of the crime department. On examination of CCTV footage collected from the cameras in the vicinity the IO found that on the day of occurrence, at 08:56 a.m., three young boys, with muffled faces, had entered the petitioner's chamber and left the same at 09:17 a.m. Thereafter CCTV footage of other cameras in the area was also procured by the IO which further revealed that on the day of occurrence, the aforesaid three persons, after staying in petitioner's chamber for some time, were seen going towards the railway station and as per CCTV footage of the Ambala cloth market, at 09:54 a.m., on the same day, the aforesaid three persons were seen going towards the petitioner's house. On 03.12.2020 with the help of Cyber Cell, Ambala, the aforesaid three persons were identified as Sarwan Kumar, Basant Kumar and Karamveer. Basant Kumar's and Sarwan Kumar's houses were raided and they were both apprehended. Their physical appearances were then matched with the collected CCTV footage. Karamveer continued to evade his arrest. Basant Kumar's and Sarwan Kumar's interrogation revealed that they were the petitioner's cousins and had been called by the petitioner to involve Gurcharan Singh and his son Raju in a false criminal case. In conspiracy with the petitioner, both of them, along with Karamveer, after giving painkillers to the petitioner, had inflicted injuries upon him with

the help of a knife and surgical blade. Their statements were recorded and thereafter they were produced before the Illaqa Magistrate who remanded them to police custody. During their remand, Sarwan Kumar disclosed the number of his mobile as also the mobile numbers of the petitioner and his wife. He further disclosed that the petitioner used to talk to them on and from these mobile numbers. Sarwan Kumar and Basant Kumar then got recovered the clothes and the pair of shoes worn by him on the day of the occurrence. Sarwan Kumar also got recovered the surgical blade used in the crime. On 07.12.2020, Karamveer was arrested and he also suffered a disclosure statement on the same lines as co-accused Sarwan Kumar and Basant Kumar. He also got recovered the pair of shoes and clothes worn by him on the day of occurrence as also got demarcated the place of occurrence.

The petitioner is sought to be prosecuted for having lodged a false FIR on the basis of the above investigation done by the investigating agency.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the only evidence against the petitioner are the disclosure statements of co-accused made by them in police custody which have no evidentiary value; other co-accused namely Sarwan Singh, Basant Kumar and Karamveer are on regular bail; the petitioner cannot be arrested in a case lodged by him; 11 injuries on his person could have not been self-inflicted and that there is also no medical evidence to prove the case against the petitioner.

Learned State counsel as also learned counsel for the

complainant oppose the grant of anticipatory bail to the petitioner by submitting that he is an accused in another criminal case being FIR No.621 dated 15.10.2020 under Sections 148, 149, 452, 324 IPC registered at Police Station Baldev Nagar, Ambala and that the petitioner's custodial interrogation is required to find out the mode and manner adopted by the petitioner to falsely implicate Raju son of Gurcharan Singh.

Admittedly, there is civil and criminal litigation between the petitioner on one hand and Gurcharan Singh/his son Raju on the other. Thus, there is motive with the petitioner to falsely implicate Gurcharan Singh and/or his son Raju.

It is further not disputed that the petitioner is an accused in another criminal case registered against him under Sections 148, 149, 452, 324 IPC.

The investigating agency, till date, has collected evidence in the form of CCTV footage; call details between the petitioner and his co-accused, who are his cousins; statements made by the petitioner's co-accused wherein they have disclosed as to how, on the asking of the petitioner, after giving him pain killers, they inflicted injuries on the petitioner so that on the basis thereof he could implicate Raju, who was inimical towards him; the petitioner's co-accused have also got recovered the clothes and shoes worn by them on the date of occurrence as also the surgical blades used by them for the alleged crime.

The above facts, which speak for themselves, show the fertile criminality of the petitioner's mind, a practising advocate, who is the mastermind behind the entire "operation" conducted with "surgical

precision”

It is unfortunate that the petitioner abused the Court premises for the acts he is accused of.

In view of the afore serious allegations against the petitioner and to unearth the complete picture as to how he orchestrated the manufacturing of evidence to foist a false case on a rival his custodial interrogation is considered as necessary. In view of the allegations against the petitioner of having manufactured evidence, it also cannot be ruled out that if granted anticipatory bail, he may misuse such concession.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

26.02.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No