

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

CRM-M No.15276 of 2021 (O&M)

Date of Decision:-04.10.2021

Amitjeet Singh Sidhu

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. G.K. Mann, Senior Advocate with
Mr. G.S. Verma, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Mohit Vashishat, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.119 dated 09.03.2021 registered at Police Station Division No.5, District Ludhiana, under Sections 419 and 420 IPC as well as Section 45 of the Advocates Act, 1961, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled by complainant Abhinandan Bindra in the subject FIR, are that the petitioner posed himself to be an Advocate and he charged Rs.5,000/- from him as consultation fee and then, he (petitioner) and his father named Surjit Singh, Advocate, demanded Rs.one lac from him (complainant) as legal fee for

defending his brother in the criminal case registered against him vide FIR No.153 of 2015 at Police Station Dakha, Ludhiana, under Section 302 IPC and the said amount was paid to them and then, he filed power of attorney and thereby, tried to mislead the Court, whereas in fact, he was not having the requisite licence to practise as an Advocate at that time.

Status-report has already been filed on behalf of the respondent-State. Reply, filed on behalf of the complainant, is also available on the record.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the complaints moved by Ms. Rachna Dev, Advocate, against the petitioner to the Bar Council of Punjab and Haryana with the similar allegations, have already been dismissed vide orders Annexures P-5 and P-7 and this fact itself shows that the petitioner has been got falsely implicated in this case and in these circumstances, he deserves the relief as sought in the present petition.

However, learned State counsel argues that the petitioner was not having the requisite licence to practise as an Advocate, on the date of submission of his power of attorney in the above-said criminal case and thus, besides committing professional misconduct, he has also cheated the complainant by charging fee from him on the pretext of defending his brother in the said case and therefore, the instant petition be dismissed.

It has categorically been mentioned in para 4 of the status-report that during the preliminary inquiry conducted in respect of the complaint moved by the afore-named complainant, it transpired that the petitioner had filed a power of attorney in the Court of Additional Sessions Judge, Ludhiana on 30.12.2015 and on that day, he was not enrolled as an Advocate and rather, he got enrolled as such in the year 2019. Further, as mentioned in para 6 of the status-report, the petitioner is also involved in 2 more criminal cases as detailed therein. Mere exoneration of the petitioner vide afore-said orders Annexures P-5 and P-7, in itself, does not suffice at all, at this stage, to negate the allegations as levelled by the complainant against him in this case.

Keeping in view the fore-going discussion as well as the gravity of the allegations as levelled against the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of the Court on the merits of the case.

October 04, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*