

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-25292 of 2020 (O&M)

Date of Decision: 11.02.2021

Shahrukh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Sarfraj Hussain, Advocate for
Mr. Shiva Khurmi, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-2119-2020:

The application is allowed, as prayed. Affidavit dated 21.01.2021 and copy of compromise dated 19.11.2021 are taken on record as Annexures P-5 and P-6 respectively, subject to all just exceptions.

Criminal Misc. No.M-25292 of 2020

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.08 dated 05.02.2020 under Sections 376 AB, 506

IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 67-B of the Information Technology Act, 2000 registered at Women Police Station Mewat, District Nuh.

The aforesaid FIR was registered on a complaint made by complainant with the allegations that petitioner had committed penetrative sexual assault upon his daughter. On 03.09.2020, when this petition came up hearing before a coordinate Bench, learned counsel for the petitioner, while making reference to the FIR, had submitted that there is a delay of more than one month in the registering the FIR. The alleged date of incident is stated to be 01.01.2020, whereas the FIR was registered on 05.02.2020. The petitioner is a young boy and has a job offer/appointment letter dated 04.11.2019 (Annexure P-2). He had requested the Court to consider and grant interim bail to the petitioner so that he does not lose his job offer and shall also try to settle the matter amicably. Noticing the aforesaid contention, this Court granted interim bail to the petitioner till 09.11.2020. On 09.11.2020, learned State counsel doubted the very appointment letter (Annexure P-2) and submitted that had this appointment letter been with the petitioner, he would have produced the same before the trial Court, when application seeking regular bail was declined. The petitioner was, accordingly, directed to produce the fresh certificate of his employment with Sri Anu Waddera Labour Contract Co-operative Society Ltd., Hyderabad. Since the petitioner had shown his inability to visit Hyderabad, so as to get certificate of his employment in the aforesaid Society on account of COVID-19 pandemic, one week's more time was

granted to him to get the said certificate of employment, as directed by this Court vide order dated 09.11.2020.

The petitioner moved CRM-29286-2020, for placing on record the copy of appointment letter dated 04.11.2019 (Annexure P-4) and undertaking dated 20.02.2020 (Annexure P-4) (*Colly.*). In order to get the appointment letter verified, this Court, vide order dated 28.01.2021, directed the Superintendent of Police, Mewat to depute some police official for verification of the documents so attached with this petition as Annexure P-4 i.e. appointment letter.

Learned State counsel has apprised this Court that pursuant to the order dated 28.01.2021, Superintendent of Police, Mewat has deputed one ASI Mukesh, so as to get the document (Annexure P-4) verified. The said ASI visited Hyderabad on 05.02.2021 and on verification, it was found that appointment letter (Annexure P-4) was never issued by the said society, and the document so attached is fabricated one.

I have heard learned counsel for the parties.

This Court finds that the petitioner has tried to mislead the Court. Firstly, he never produced the appointment letter Annexure P-4 before learned Additional Sessions Judge, when his application for regular bail was considered and declined. The said document has been attached in the present petition only. However, on verification, it has been reported that the said document Annexure P-4 was never issued by the society where the petitioner was allegedly working. In this manner, the petitioner has tried to mislead this Court, for which, though he is required to be proceeded against for proceedings under Section 340 CrPC, but instead of

having recourse to proceeding under Section 340 CrPC, this Court deems it appropriate to dismiss this petition with costs.

Accordingly, the present petition is dismissed with costs of ₹30,000/-, which shall be paid by the petitioner in the Lawyers' Welfare Fund of Punjab and Haryana High Court Bar Association within one month and further to produce the receipt with the Registry.

The observations made hereinabove shall not construe as expression of any opinion on the merits of the case and the same are limited for dealing with the present petition.

February 11, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No