

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

CRM-M-33905-2022
Reserved on: 15-09-2022
Pronounced on: 19-09-2022

Tejinder Pal Setia and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.S. Sobti, Advocate for the petitioner

Mr. Harsimar Singh Sitta, DAG, Punjab.

Mr. Anil Mehta, Advocate and
Mr. Gautam Dutt, Advocate for the applicant-complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
112	10.03.2022	Sohana, District SAS Nagar	420, 120-B & 506 IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 438 CrPC seeking anticipatory bail.

2. In paragraph 27 of the bail application, the accused declare the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1	71/2018	11.03.2018	-	Manwali Nagar Delhi now in EOW (Compromise effected)
2	60	08.02.2019	-	Paschhim Vihar, New Delhi (Compromise effected)
3	866	18.12.2021	-	Dwarka North, New Delhi (Compromise effected)
4	116	23.05.2018	-	Economic Offence Wing, New Delhi

3. Petitioner no. 1 is still a Director in Chandigarh Overseas Private Ltd., whereas petitioner no. 2 is stated to be its Ex-Director. The complainant alleges forging and tampering with the balance sheets of FY 2014-13 and 2013-14, and also forging and tampering with the provisional balance sheet of the first half of FY 2014-15, i.e., from 1-4-2014 to 30-09-2014. A perusal of the memo of parties reveals that petitioner no. 2 is aged 30 years; as such, in 2014, he would be around 22 years. Para 27 discloses as

many as four FIRs, but neither the copies of the bail order have been attached, nor the role attributed to the petitioners mentioned in the said FIRs. After analyzing the bail petition the evidence against each petitioner cannot be segregated because the petitioners preferred to file a joint bail petition, not separate ones.

4. Furthermore, the petition is supported by an affidavit of Tejinder Pal Setia, who is the main accused, but the petition does not mention the pleas of the second petitioner Sagar Singh nor his explanation if any. Given this, to meet the ends of justice, it would be appropriate for the petitioners to file separate bail petitions, mentioning their criminal histories and annexing the copies of the bail orders/compromise deeds in the previous FIRs. Given the above, the present petition cannot be adjudicated to arrive at a just decision because of the misjoinder of both father and son in one petition.

5. The petition if dismissed with liberty reserved to file fresh separate bail petitions. Since there is no adjudication on merits, as such it is clarified that the disposal of the present petition shall not come in the way, in any manner what so ever, if the petitioners chose to file separate bail petitions.

Petition dismissed with liberty to file separate bail petitions. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

Sep 19, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.