

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-18139-2023

Date of decision: 24.04.2023

Akash Sharma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Rahul Deswal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.13 dated 05.01.2023 under Section 420 of the IPC and Section 24 of the Immigration Act, registered at Police Station Assandh, Karnal.

Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner for having received a sum of ₹1.2 crores for sending the sons of the complainant to the USA and thereafter the receipt issued was found to be fake. He further submits that false implication of the petitioner is evident from the fact that he is not a man of criminal antecedents and is not involved in any other criminal case much less a case of similar nature.

Per contra, learned State counsel assisted by learned

counsel for respondent No.2 have vehemently controverted the submissions made by the counsel opposite by submitting that there has been material concealment in the petition qua the criminal antecedents of the petitioner. Learned State counsel, on instructions, submits that the petitioner is involved in one more FIR bearing No.278 dated 06.09.2020 under Sections 406 and 420 of the IPC and Section 13 of the Punjab Travels Professionals Act registered at Police Station Division No.6, Jalandhar, of similar nature. Learned State counsel thus submits that in the circumstances, custodial interrogation of the petitioner would be required.

I have heard learned counsel for parties and perused the relevant material on record.

The petitioner is admittedly not approached this Court with clean hands and on this ground itself the instant petition deserves to be dismissed. This Court can also not loose sight of the fact that the petitioner has a criminal past and thus this Court concurs with the submissions made by the learned counsel for the State that the custodial interrogation of the petitioner is required.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No