

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18006-2023 (O&M)
Decided on : 18.07.2023

Harbans Dass

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.S.Sidhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Pankaj Garg, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

CRM-27260-2023

Application is allowed as prayed for and Annexure P-15 is taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.47 dated 16.03.2023 under Sections 465, 467, 468 and 471 IPC registered at P.S. Bhikhi District Mansa.

2. Learned counsel for the petitioner *inter alia* contends that totally false allegations have been levelled against the petitioner of having prepared forged and fake CLU Certificate and demand drafts during his tenure as President of National College, Bhikhi and utilizing the land of the Committee in violation of the Rules. It has been argued by the learned counsel that the above

allegations stand falsified as at the relevant time, the petitioner was not even the President of National College, Bhikhi or associated with the Managing Committee of the aforesaid college, as he was elected only on 06.03.2016. It has further been contended that the alleged certificate of permission for change of land use (CLU) had been issued on 08.10.2015 in favour of the then Principal of the National College, Bhikhi. Still further, even as per the report of Punjab National Bank, the alleged forged demand drafts had never been issued. It has, therefore, been urged that since the entire case rests on documentary evidence and nothing is required to be recovered from the petitioner, which would warrant his custodial interrogation. Therefore, the petitioner be extended the concession of anticipatory bail.

3. Per contra, while controverting the prayer and submissions of the learned counsel for the petitioner, learned State counsel assisted by counsel for the complainant have submitted that the petitioner was elected as President of the National College, Bhikhi in the year 2014 till 2017. Being President of the College, he misused his position and in the year 2015, prepared a forged CLU Certificate in respect of the land of the college. Besides this, the petitioner also showed fake entries of payment by way of Demand Draft to various departments for getting CLU Certificate including an amount of Rs.6,83,040/-, which he claimed to have deposited vide two Demand Drafts dated 04.10.2015 in the Government Treasury. However, no such amount was deposited in the Government Treasury. Learned State counsel has vehemently prayed for dismissal of the instant petition as the custodial interrogation of the petitioner is required. It has also been submitted that the petitioner is involved in another

case i.e. FIR No.128 dated 24.07.2022 under Sections 406/34 IPC registered at P.S. Bhikhi.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. *Prima facie*, there are serious and specific allegations levelled against the petitioner in the FIR in question of having misused his position as President of National College, Bhikhi and forging CLU Certificate for his personal gains.

6. This Court, therefore, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands 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.

(MANJARI NEHRU KAUL)
JUDGE

18.07.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No