

(105)

2023:PHHC:082042

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

CRM-M-30405 of 2023

Date of Decision: June 14, 2023

Vishal Kumar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bipin Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate with Mr. A.S.Jawandha,
Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C has been made for grant of anticipatory bail in case FIR No.61 dated 26.05.2023 registered under Sections 420, 467, 468, 471 IPC at Police Station Industrial Area, District Chandigarh.

FIR was lodged on the complaint of one Vikas Biswal, as per which, his vehicle No.HR-03-P7996 was challaned on 20.11.2019 for the offence of drunken driving. He made payment of ₹10,000/- against the said challan in the Court of Ms. Navneet Kaur, learned Judicial Magistrate Ist Class, Chandigarh through Ahlmad Vishal Kumar (petitioner) and received the release order of his vehicle. However, no receipt regarding the payment was issued. He got the vehicle released but the status of the challan was still being shown as pending on the website. He moved necessary application for removing the challan from the website. The report of the Ahlmad was called and it was found that as per the summary disposal register, no entry regarding disposal of the

alleged challan has been entered. Challan was found to be still pending in the Challaning Branch. Reference was made by learned Magistrate to Chief Judicial Magistrate, Chandigarh to look into the matter and then FIR was registered.

It is contended by the petitioner that he has been falsely implicated. He has been working as Ahlmad in the District Court, Chandigarh since 2015 and that there is no complaint against him in his entire career. It is further contended that some senior employees of the Court were having grudge against him due to which he has been falsely implicated. Besides this, Office of District & Sessions Judge has also proposed departmental inquiry against the petitioner on the same set of allegations in which he has submitted his reply.

Notice of motion.

Ms. Simsi Dhir Malhotra, APP, UT, Chandigarh, accepts notice on behalf of the respondent- State.

Learned State Counsel has drawn attention towards Annexure P.2 which is the notice issued by the Office of District & Sessions Judge, Chandigarh regarding departmental inquiry against the petitioner revealing that he got released as many as 59 impounded vehicles from the Traffic Line, Chandigarh by preparing/ using forged release orders by forging the signatures/ initials of numerous Judicial Magistrates posted from time to time.

Having regard to the nature of the allegations against the petitioner, but without commenting anything on the merits of the case, no case is made out for grant of anticipatory bail, as custodial interrogation

of the petitioner may be required to unearth the entire truth.

Dismissed.

June 14, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No