

Neutral Citation No.2023:PHHC:158398

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-61937 of 2023 (O&M)

Date of decision : 11.12.2023

...

Harpreet Singh and another

.....Petitioners

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Rau P.S. Girwar, Advocate
for the petitioners.

...

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking concession of anticipatory bail under Section 438 Cr.P.C., in case FIR No.115 dated 10.10.2023 under Sections 406, 420, 120B of Indian Penal Code, 1860, registered at Police Station Anaj Mandi, Patiala.

2. Learned counsel for the petitioners submits that a false and fabricated case has been planted upon the petitioners, who are partners of the M/s. Dhillon Trading Company. He submits that the civil dispute between the parties is being given a criminal complexion.

3. Notice of motion.

4. On asking of the Court, Mr. Mohit Kapoor, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State.

5. Mr. Preetinder Singh Ahluwalia, Advocate, has put in appearance and has filed vakalatnama on behalf of the complainant.

6. Learned State counsel, assisted by counsel for the complainant, at the outset have submitted that the petitioners have not approached this Court with clean hands. In support of their submissions, they have invited the attention of this Court to para No. 10 of the petition, wherein it has been specifically averred that no other FIR has been registered against the petitioners. It has been asserted by the learned counsel that the petitioners, are in fact, involved in a couple of other criminal cases of identical nature. Learned State counsel has further submitted that not only this, even the affidavit which was given before the Court below and which has been given before this Court, is a forged document.

7. Learned counsel for the petitioners has disputed the submissions made by the learned counsel for the State, as well as, the complainant, qua the affidavits given by the petitioners before this Court and the trial Court, being forged documents. Qua the petitioners' involvement in other cases, learned counsel has fairly submitted that he was unaware about the same and whatever had been averred in para 10 of the petition, was as per instructions given by the petitioners.

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

9. Allegedly, the petitioners gave their sworn affidavits and then induced the complainant/GSA Industries into supplying them agricultural equipments. However, neither did the petitioners pay for the purchases nor returned the equipment. Furthermore, it was discovered that the signatures of petitioner Davinder Kaur on the affidavit were forged. Similarly, petitioner Harpreet Singh, also swore an affidavit and used stamp papers purchased on 17.7.2023, whereas, he had retired from the firm on 4.8.2023. Prima facie, it appears that the petitioners attempted to avoid payment of approximately Rs. One crore and 20 lakhs, which were outstanding from the petitioners regarding the payment of agricultural implements. It is a matter of record that petitioner No.1 is involved in two other criminal cases of similar nature, which, as already noticed in earlier part of this order, has been withheld from this Court.

10. As a sequel to the above, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners.

11. The petition is dismissed.

12. 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

11.12.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No