



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209-3

CRM-M-48186-2024

Date of decision: 29.01.2025

Som Nath MehtaPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Gurjas Singh Gill, Advocate for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Viren Jain, Advocate and
Mr. Raj Shekhar, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioners are seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.146 dated 27.07.2024 under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860, registered at Police Station Bhikhi, District Mansa.
2. Fresh power of attorney on behalf of the complainant, after taking NOC from the previous counsel, has been filed in the Court today, which is taken on record.
3. Learned senior counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, along with other co-accused, for allegedly forging the signatures of the society's original members, replacing them with his own relatives, and subsequently opening a bank account based on these fabricated resolutions. While drawing the attention of this Court to FIR annexed

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as Annexure P-1, learned senior counsel submits that the dispute is, in fact, a result of ongoing differences between the petitioner and his brother, Raj Kumar, over the rendition of accounts. It has been contended by the learned senior counsel that the instant case is motivated by an attempt to pressure the petitioner into a settlement favorable to the complainant. The bank account in question was purportedly opened in consultation with the complainant, and there have been minimal transactions, involving only a few thousand rupees. Learned senior counsel submits that even otherwise the case in hand rests on documentary evidence, no recovery is to be affected from the petitioner and in these circumstances his custodial interrogation would serve no useful purpose.

4. *Per contra*, learned state counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. It is contended that there are serious allegations against the petitioner, who, along with other co-accused, forged the signatures of the complainant and other society members to fabricate resolutions and resignations. These forged resolutions were then presented before the Registrar of Societies, Mansa, with the intent to usurp the society's property. It is further submitted that one of these forged documents even bears the signature of a member who passed away in 2022, making it impossible for him to have signed any document in 2024. Additionally, it has been argued that based on these fabricated resolutions, a bank account was opened with ICICI Bank, leading to the misappropriation of crores of rupees.



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Learned State counsel has further contended that the petitioner manipulated the society's composition by expelling original members through forged resignations and replacing them with his own family members and close associates, and the custodial interrogation of the petitioner is necessary to uncover the entire modus operandi and aid in the ongoing investigation.

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

6. *Prima facie*, there are serious allegations against the petitioner, who, along with other co-accused, forged the signatures of the Secretary and other society members to create fake resignations and fabricate resolutions. These forged documents were then allegedly presented before the Registrar of Societies, Mansa, to unlawfully replace the original members with the petitioner's relatives and were subsequently used to open a bank account in ICICI Bank.

7. In view of the serious allegations levelled against the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to him. The instant petition stands dismissed accordingly.

8. 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.

29.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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