

WPCRL 205/2010

Hon'ble Dharam Veer, J.

(Stay Appl. 1853/2010)

Heard Mr. Parikshit Saini, Advocate for the petitioners, Mr. Amit Bhatt, Addl. GA for the respondents no. 1 & 2 and Mr. Ajay Veer Pundir, Advocate for the respondent no. 3.

Admit.

Learned Counsel for the petitioners submitted that allegation made against the petitioners pertains to the year 1989 and some forged papers were alleged to have been produced before the office of Registrar, Chits. He further submitted that FIR could be lodged only in the year 2007 after more than 18 years because of some election rivalry.

Learned State Counsel as well as learned counsel for the respondent no. 3 were granted several opportunities to file the counter affidavit, but no counter affidavit could be filed till date on behalf of the respondents and even no satisfactory explanation could be furnished for not filing the counter affidavit.

Having considered the submissions of learned Counsel for the parties and after going through the contents of the FIR and other papers on record, as an interim measure, it is hereby directed that the petitioners shall not be arrested during the course of investigation provided they cooperate with the Investigating Officer in Case Crime No. 295/2007 u/s 419, 420, 467, 468 IPC PS Bhagwanpur, District Haridwar.

Stay application is disposed of accordingly.

List in the week commencing 26.7.2010.

In the meantime, counter affidavits may be filed on behalf of the respondents.

(D.V., J.)

30.6.2010

Prabodh