

**Sr. No. 204
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM No. M-20411 of 2015 (O&M)

Date of Decision: 01.09.2015

Ravinder Sharma

--Petitioner

Vs

State of Punjab

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. S.S.Nara, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Addl. A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 28 dated 18.05.2015 registered under Sections 420/34 IPC at Police Station Sadar Rampura, District Bathinda (Punjab).

When the case came up for hearing on 13th July, 2015, the following order was passed:

“Learned counsel for the petitioner seeks short adjournment to get instructions whether the petitioner is ready to show the bona fide by depositing reasonable amount with the Registrar General of this Court.

On his request, adjourned to 20.07.2015.”

Thereafter interim protection was granted to the petitioner subject to deposit of the amount mentioned in the order dated 20.07.2015 which reads as under:

“Petitioner seeks pre-arrest bail in FIR No. 28 dated 18.05.2015 registered under Sections 420 and 34 of the Indian Penal Code at Police Station, Sadar Rampura, District Bathinda.

Learned counsel for the petitioner submits that in compliance of the order dated 13.07.2015, he has got the instructions to say that petitioner is ready to deposit reasonable amount with the Registrar General of this Court to show his bona fide.

As per the allegation against the petitioner, it is an amount of Rs.35 lacs which is to be recovered from him.

In view of the above, subject to deposit of Rs.25 lacs with the Registrar General of this Court, petitioner shall be released on interim anticipatory bail to the satisfaction of arresting/investigating officer subject to the conditions provided under Section 438(2) Cr.P.c.

List on 01.09.2015.”

Today, learned counsel for the petitioner has moved an application bearing CRM No. 28472 of 2015 seeking recalling of the above said order dated 20.07.2015 to the extent that condition of depositing the amount with the Registrar General of this Court be recalled.

Learned counsel for the applicant-petitioner submits that petitioner did not pass any such instructions to the learned counsel who appeared on his behalf on 20.07.2015 before this Court. On merits, learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Petitioner has no role to play in commission of offence alleged against him and he is entitled for anticipatory bail.

On the other hand, learned counsel for the State on instructions from ASI Baljit Pal, Police Station Sadar Rampura, District Bathinda submits that a specific undertaking was given

before this Court on behalf of the petitioner and if he is now trying to back out from the same, he is not entitled for the discretionary relief of anticipatory bail, at the hands of this Court. On merits, learned State counsel submits that involvement of the petitioner is very much there in the commission of offence. He prays for dismissal of the present petition.

Having heard the counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said because petitioner has not been found a bona fide litigant and he does not deserve any sympathy from this Court.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency, so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

01.09.2015
vandana