

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

CRM-M-6072-2015 (O&M)

Date of decision: 10.4.2015

Jaswant Singh Ghuman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Ajay Singla, Advocate for the petitioner

SNEH PRASHAR, J.

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.27 dated 1.5.2012, registered under Sections 406/420 of the Indian Penal Code at Police Station Women Cell, District Jalandhar.

Submissions made by learned counsel for the petitioner have been heard.

It is submitted on behalf of the petitioner that allegations levelled against him and his brother were general in nature. The FIR qua his brother Kulwant Singh has already been quashed by this Court. The petitioner was in Canada at the time of registration of the instant case. Due to non service of the summons, he has been declared proclaimed offender by learned Judicial Magistrate, 1st Class, Jalandhar vide order dated 31.10.2012. Commission of no offence is made out

against him because there was no occasion for the petitioner to cheat the complainant in any manner and to induce her dishonestly to deliver any property, valuable security or make her to sign anything which may be capable of being converted into a valuable security.

In the present case, there are specific allegations against the petitioner regarding demand of money and physical assault on complainant Manpreet Kaur. The complaint made by her was investigated by the police and after inquiry, finding a prima case under Sections 406/420 of IPC against the petitioner, the case was registered. The petitioner did not appear before the trial Court and therefore, he has since been declared proclaimed offender. Admittedly, the petitioner is not in India and he has successfully evaded the process of the law. He is still stated to be in Canada, which shows that he has not approached the Court with clean hands. His intention is to procure a protective order from the Court before even he arrives in India.

In view of the above facts, this Court is not inclined to grant anticipatory bail to the petitioner. As such, the present petition being devoid of merit is dismissed.

10.4.2015
gsv

(SNEH PRASHAR)
JUDGE