

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 21.11.2017

1. CRM-M-28834-2017 (O&M)

Karan

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-34404-2017 (O&M)

Ram Sanjeevan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.M. Gulati, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. A.P.S. Sandhu, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

These two petitions have been filed by accused Karan and co-
accused Ram Sanjeevan for grant of anticipatory bail in FIR No.7 dated
25.01.2017 under Sections 457/380 IPC, registered at Police Station D-

Division, Amritsar, District Amritsar.

It is submitted on behalf of the petitioner Karan that he is aged about 17 years and is a student. Initially the FIR was registered against unknown person regarding theft in the shop and after about six months, the petitioner has been named by recording a supplementary statement of the complainant.

Notice of motion was issued and while granting interim bail, the petitioner was directed to join the investigation.

It is submitted on behalf of the petitioner Ram Sanjeevan that he is father of co-accused Karan and he is being implicated in the FIR only for the reason that the complainant is having a suspicion about co-accused Karan that he has committed theft in the shop of the complainant. This petitioner was also granted anticipatory bail and directed to appear before the Investigating Officer.

It is submitted on behalf of the respondent-State, assisted by learned counsel for the complaint that petitioner Karan has concealed material fact in his petition. Firstly, his date of birth is 04.07.1995 and he is 22 years of age and secondly, he has already been declared as proclaimed offender on 09.07.2017 and this fact has not been disclosed in the petition filed by him. Learned State counsel further submits that the supplementary statement of the complainant was recorded on 05.03.2017 and not after six months, as alleged by the petitioner. The said statement was made on the basis of CCTV footage installed in the adjoining premises.

It is further submitted that during the investigation, the certificate shown by the petitioner showing his date of birth as 02.08.2001 was found to be fake, as petitioner Karan has passed his matriculation from Punjab School

Education Board in March, 2014 and in the matriculation certificate, his date of birth is 04.07.1995. It is also submitted that in further investigation, the certificate submitted by the petitioner Karan that he is a student in UP, was found to be a fake document, as on inquiry about transfer certificate obtained by the petitioner, Head Teacher, Govt. Elementary School, Islamabad, Amritsar has stated that the said transfer certificate produced by Karan is a fake document and thus, it is submitted that the petitioner has not only committed the offence but he has produced fake document and therefore, the offences under Sections 420, 467, 471 IPC have also been added in the FIR.

Regarding petitioner Ram Sanjeevan, it is submitted that on the basis of voice recording of both the accused persons, it has come on record that accused Karan has committed the theft and Ram Sanjeevan has stated that an amount of Rs.12.00 lacs and silver items are with him. It is submitted that sufficient evidence has come during the investigation to connect both the accused persons with the commission of crime and she prays for dismissal of both these petitions for grant of anticipatory bail.

Counsel for the complainant has submitted that since the petitioner Karan has been declared as proclaimed offender, he is not entitled to concession of anticipatory bail and has relied upon two judgments of the Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Pradeep Sharma, 2014 (1) RCR (Criminal) 269** and **Lavesh Vs. State (NCT of Delhi), 2012 (4) RCR (Criminal) 240**, wherein it has been held that if an accused is absconding and has been declared as proclaimed offender, he is not entitled for grant of anticipatory bail.

In reply, counsel for the petitioners has submitted that petitioner

Karan is a student and petitioner Ram Sanjeevan is a plumber by profession and are residing in Amritsar for the last about 30 years and they are first offenders and there is no previous history of their involvement in any case.

After hearing learned counsel for the parties, I find no merit in both the petitions for grant of anticipatory bail, for the reasons that petitioner Karan has concealed in his petition that he is 22 years of age and his date of birth is 04.07.1995 as per matriculation certificate issued by Punjab School Education Board. It is also concealed that he was a proclaimed offender, when this petition was filed. Apart from this, the petitioner Karan has tried to create false evidence by producing certificate of his age showing him to be 17 years of age, which, during the investigation, was found to be fake document and therefore the petitioner has obtained interim anticipatory bail by concealing the aforesaid facts. During the investigation, the police, on the basis of CCTV footage, voice recording of both the accused persons and on the verification of certificate from the school, have found that the petitioners are involved in the commission of offence and therefore, I find that custodial interrogation of the petitioners is required.

Accordingly, both these petitions praying for grant of anticipatory bail are dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

21.11.2017
vishnu

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