

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40018 of 2017 (O&M)

Date of decision : 26.10.2017

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Mukesh Kumar @ Mukesh Jain

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Naveen Bawa, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

The petitioner who is an accused in a complaint under Section 138 of the Negotiable Instruments Act, had been summoned and he had been facing trial in the Court. He absented from the Court on the date of hearing and then moved Court of Sessions for grant of pre-arrest bail. As such his request was accepted by the Sessions Judge, vide order dated 12.9.2017, directing the petitioner to surrender in the trial Court on or before 19.9.2017 and in the event of his doing so, ordering that he be released on bail. He was also burdened with cost of Rs.5,000/-. The petitioner neither appeared in the trial Court nor deposited the cost within the time given. An application for extension of date was filed, which was declined by learned Sessions Judge, by a well reasoned order dated 9.10.2017.

The petitioner has since been declared as a proclaimed person vide order dated 21.9.2017. As per ratio of authority **Lavesh vs. State (NCT of Delhi) 2012 (4) RCR (Criminal) 240,** by the Apex Court, an absconder is not entitled to pre-arrest bail. Even otherwise, facts and circumstances of the case do not warrant grant of this relief to the petitioner.

The petition stands dismissed accordingly.

(H.S. Madaan)
Judge

26.10.2017

chugh

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No