

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

**CRM-M-8398-2018
Date of decision-28.02.2018**

Parveen Kumar

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Suman Sharma, Advocate for
Mr. Arnav Sood, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 438 of the Criminal Procedure Code has been filed for grant of anticipatory bail to the petitioner in Complaint case No.4983 dated 29.08.2013 registered under Section 138 of Negotiable Instruments Act titled as “*Balbir Singh Vs. Parveen Kumar*” pending in the Court of Judicial Magistrate First Class, SBS Nagar.

Contends that the petitioner has been falsely implicated in the present case. Further she states that the matter is likely to be settled between the parties.

I have heard learned counsel appearing on behalf of the petitioner and have gone through the case file.

This is a second bail petition. The complaint in the present case pertains to the year 2013. The first petition for grant of anticipatory bail was dismissed, vide order dated 02.08.2016. Thereafter, the petitioner has not surrendered to the jurisdiction of the Court and has misused the process of the Court. The petitioner was declared as proclaimed person by the learned

trial Court vide order dated 05.05.2016 (Annexure P-2). In **State of Madhya Pradesh Vs. Pardeep Sharma 2014 (1) RCR (Crl) 269**, it has been held as under:-

“In such serious offences, particularly, the respondents/accused being proclaimed offenders, we are unable to sustain the impugned orders of granting anticipatory bail. The High Court failed to appreciate that it is a settled position of law that where the accused has been declared as an absconder and has not cooperated with the investigation, he should not be granted anticipatory bail.”

Moreover, this Court feels that it is a fit case where custodial interrogation of the petitioner is required to unearth the truth.

Consequently, the present petition stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

28.02.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No