

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

CRM-M-11807-2020

Date of decision :19.08.2020

Ashok Kumar

...Petitioner

Vs.

Banwari Lal and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. P.S. Jammu, Advocate for the petitioner.

Ms. Dimple Jain, AAG Haryana.

Mr. Ashwani Verma, Advocate
for respondent No.1/complainant.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is the petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in criminal complaint case bearing complaint No. NACT 620 of 2015 dated 27.09.2013 titled 'Banwari Lal Versus Ashok Batra' (Annexure P-1) filed under Section 138 of the Negotiable Instruments Act, 1881 and pending in the Court of the Addl. Chief Judicial Magistrate Fatehabad.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case and that in fact the petitioner and the complainant had entered into a compromise. However, the compromise was neither reduced into writing nor any receipt for the amount paid by the petitioner to the complainant was ever executed. The petitioner was granted regular bail in the year 2015. However, he did not appear before the

concerned Court on 27.02.2018 and arrest warrants were issued. The

petitioner, thereafter, surrendered before the concerned Court on 10.08.2018 and he was granted bail by the Trial Court. However, the petitioner again jumped bail on 02.11.2018 and ultimately was declared a proclaimed person on 18.02.2019.

Mr. Ashwani Verma, Advocate has put in appearance on behalf the complainant and contends that this is the second time that the petitioner has jumped bail and in fact he has been declared proclaimed person vide order dated 18.02.2019 and the application for anticipatory bail was moved before the Trial Court on 19.02.2020 i.e. after one year. He further contends that there are two other cases in which the petitioner has been declared as proclaimed person.

Learned State counsel has reiterated the fact that this is the second time that the petitioner has jumped bail and was declared a proclaimed person vide order dated 18.02.2019 and it is only after a year that the application for anticipatory bail was filed on 19.02.2020.

The conduct of the petitioner in the present case is not aboveboard. The petitioner had earlier jumped bail. However, the petitioner was granted bail on his surrendering before the concerned Court. Thereafter he again jumped bail on 02.11.018 and was declared proclaimed person vide order dated 18.02.2019.

There is no document on the record to support the contention of the learned counsel for the petitioner that any compromise has been entered into between the parties or that the amount which is due to the complainant has been paid. Learned counsel for the petitioner submits that the compromise was oral in nature and the same was not reduced into

writing nor any receipt was executed in the said regard. The petition is also bereft of any details of the medical record of the petitioner which would suggest that he is a heart patient.

Keeping in view the conduct of the petitioner and without commenting on the merits of the case, I do not deem this to be a fit case for grant of anticipatory bail to the petitioner.

The present petition is, therefore, dismissed.

August 19, 2020
kv

(ALKA SARIN)
JUDGE

Whether speaking/reasonable: Yes/No.

Whether reportable : Yes/No.