

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 31896 of 2020 (O&M)

Date of decision : 21.12.2020

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Ravi Shankar

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. A.K. Khanna Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. J.S. Randhawa, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been filed by petitioner Ravi Shankar, aged about 49 years son of Prem Kumar, resident of H.No. 2899/2, Sector 47-C, Chandigarh, an accused in FIR No. 16 dated 2.2.2019, for offences under Sections 406, 420, 120-B IPC, Section 24 of Immigration Act and Section 13 of PTPR Act, registered at Police Station Division No. 7, Jalandhar City.

Briefly stated, facts of the case, as per the prosecution story are that accused Ravi Shankar, alongwith his co-accused Prem Kumar

and Manju Sharma, had cheated the complainant – Sadhu Singh, for a sum of Rs.15,50,000/- on the pretext of sending son of complainant, namely, Gurjinder Singh to Canada. After registration of the formal FIR, investigation in the case started. Ravi Shankar and Prem Kumar had absconded and were declared proclaimed offenders, whereas Manju Sharma was challaned and she is facing trial before CJM, Jalandhar.

Apprehending his arrest in this case, accused -petitioner Ravi Shankar, had approached the Court of Sessions at Jalandhar, seeking pre-arrest bail. However, his such application, which was assigned to Additional Sessions Judge-I, Jalandhar, was dismissed vide order dated 5.6.2020. Feeling aggrieved, he has knocked at the door of this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel assisted by learned counsel for the complainant, besides going through the record.

It may be mentioned here that the parties had compromised the matter vide written compromise dated 17.9.2020, copy of which has been placed on record as Annexure P-4.

Counsel for the petitioner had prayed for grant of some time to make the payment of remaining outstanding amount stating that the petitioner would pay Rs. 2 lacs within a week. This is so recorded in the interim order dated 9.12.2020. However, today learned counsel for the petitioner has submitted that his client is unable to make the

payment on account of financial constraints. That goes to show that the petitioner is backing out of the commitment made in the Court itself. He has been declared a proclaimed offender. The Hon'ble Apex Court in judgment *State of Madhya Pradesh vs. Pradeep Sharma 2014 (1) RCR (Criminal) 269*, has observed that when an accused is absconding and has been declared as a proclaimed offender in terms of Section 82 Cr.P.C., then such accused should not be granted anticipatory bail.

The custodial interrogation of the petitioner is found to be necessary. The facts and circumstances of the case do not warrant grant of discretionary equitable relief of pre-arrest bail to the petitioner.

Therefore, the present petition is doomed for failure and is dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

21.12.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No