

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

CRM-M-1394 of 2020

Date of Decision: 17.09.2021

Navjit Singh

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr A. K. Walia, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 122 dated 12.10.2019, under Sections 420 and 120-B IPC, registered at Police Station, Cantt. Bathinda.

FIR was registered on a complaint received that Amarjit Singh Dhingra, Kushaldeep Singh, Amandeep Kaur, Jatinder @ Jippy, Ram Singh, Jindpreet Kaur, Lachhman Singh, Krishan Singh, Vijay Negi, Parveen Rani and Navjit Singh (petitioner) had duped about 200 people for a sum of Rs.25 crores by inducing them to invest money on the pretext of doing mushroom farming. After getting the money, the accused absconded.

During investigation, it was found that in 2012, Amarjit Singh, Ram Singh and Navjit Singh (petitioner) had floated a company in the name of Sarv Agro India Ltd. They had been inducing the people to invest money in the company.

Learned counsel for the petitioner submits that the petitioner was not a Director of the company but was employed on salary. He further submits that the complainant was not approached for refund of the money, it was Amarjit Singh who had issued the cheques for refund which were dishonoured.

Learned counsel for the State opposes the prayer for grant of pre-arrest bail. On instructions from ASI-Jagjit Singh, she submits that the petitioner is involved in another FIR and in two more FIRs, he has been declared proclaimed offender.

The Supreme Court in **State of Madhya Pradesh Vs. Pardeep Sharma**; 2014 AIR (SC) 626 has held as under under:

“It is clear from the above decision that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail. In the case on hand, a perusal of the materials i.e., confessional statements of Sanjay Namdev, Pawan Kumar @ Ravi and Vijay @ Monu Brahambhatt reveals that the respondents administered poisonous substance to the deceased. Further, the statements of witnesses that were recorded and the report of the Department of Forensic Medicine & Toxicology Government Medical College & Hospital, Nagpur dated 21.03.2012 have confirmed the existence of poison in milk rabri. Further, it is brought to our notice that warrants were issued on 21.11.2012 for the arrest of the respondents herein. Since they were not available/traceable, a proclamation under Section 82 of the Code was issued on 29.11.2012. The documents (Annexure-P13) produced by the State clearly show that the CJM, Chhindwara, M.P. issued a proclamation requiring the appearance of both the respondents/accused under Section 82 of the Code to answer the complaint on 29.12.2012. All these materials were neither adverted to nor considered by the High Court while granting anticipatory bail and the High Court, without indicating any reason except stating “facts and circumstances of the case”, granted an order of anticipatory bail to both the accused. It is relevant to point out that both the accused are facing prosecution for offences punishable under Sections 302 and 120-B read with Section 34 of IPC. 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. “

The Supreme Court in **Lavesh vs. State (NCT of Delhi); 2012(8) SCC 730**, has held as under:

“9. By placing the relevant materials and two status reports submitted by the police, Mr. Sidharth Luthra, learned ASG submitted that the appellant was a Proclaimed Offender. To this effect, Mr. V. Ranganathan, Additional Commissioner of Police, West District, New Delhi, in his counter affidavit, filed in this Court on 25.06.2012, has stated that, “Efforts were made to arrest the petitioner but he absconded as such he was got declared a Proclaimed Offender. The case is pending trial.” The same has been reiterated in the status report filed by Mr. Virender Dalal, Station House Officer, P.S. Punjabi Bagh, New Delhi, before the High Court.

10. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code is not entitled the relief of anticipatory bail.”

Considering the allegations that the public was duped of their hard earned money and the conduct of the petitioner that he has been

absconding in two more FIRs it is not a case for grant of pre-arrest bail. Moreover, his involvement in another criminal cases is indicator of his antecedents.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

17th September, 2021

mk	1. Whether speaking/ reasoned	:	Yes
	2. Whether reportable	:	Yes