

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

**CRM-M No.22284 of 2021
Date of Decision:-10.11.2021**

Parveen Kasana

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vineet Chaudhary, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G, Haryana.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.107 dated 10.02.2017 registered at Police Station DLF, Phase-II, District Gurugram, under Sections 120-B, 403, 406, 417, 418, 420 and 424 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the subject FIR, are that a French citizen named Benoit Noras visited India in the year 2014 and was duped of 65000 Euros on the pretext of sending some jewellery articles to France through him.

Reply on behalf of the respondent-State, by way of the

affidavit of Assistant Commissioner of Police, DLF, Gurugram, and the additional reply, by way of the affidavit of the same officer, as well as Annexures R-1 and R-2, have already been filed.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner was not nominated as an accused in the said FIR and rather, he has been subsequently roped in as such in this case merely on the basis of the disclosure statements as allegedly suffered by his co-accused named Pranav Dey and Rishi Raj Singh etc. whereas in fact, he had no role to play in the alleged crime and it being so, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the petitioner had actively participated in the commission of the offence in the present case and his custodial interrogation is required to unearth the truth regarding the modus-operandi adopted by him as well as his co-accused for committing the crime and keeping in view these facts, the instant petition be dismissed.

Though the name of the petitioner does not find mention in the FIR but however, it is worth-while to mention here that in para 8 of the preliminary submissions in the Reply initially filed on behalf of the respondent-State, it has categorically been deposed that the name of the petitioner came to the notice from the entries of Lavista Hotel where he, along-with his co-accused Pranav Dey, had stayed. Annexure R-2 is the

copy of the disclosure statement as allegedly suffered by the said co-accused of the petitioner (Pranav Dey) wherein he has disclosed that he, along-with the petitioner as well as the said French citizen, came to Delhi and stayed in the above-said hotel. Then, in para No.5 of the additional Reply, it has also been deposed that the details of the driving licence of the petitioner, as submitted by him at the above-said hotel, were obtained from the Transport Authority, Jaipur and that he did not join in the investigation despite the issuance of notice to him for this purpose and in para 8 therein, it has been further deposed that the petitioner is required to be interrogated for the purpose of eliciting the name of the courier agency which delivered the fake jewellery to the complainant and also the details of the bank account used for the transaction of money in Euro (currency) as well as regarding the jewellery as the same is yet to be recovered. It being so, it is explicit that the possibility of the requirement of the custodial interrogation of the petitioner for the above-said purposes and also to unearth the modus-operandi adopted by him as well as his co-accused for the alleged commission of the crime, cannot be ruled out.

Further, it has also been specifically deposed in para 9 of the preliminary submissions in the initially filed Reply that though the petitioner was acquitted in two criminal cases as mentioned therein but in another case, he has been declared proclaimed offender. It is also pertinent to mention here that the present FIR was registered on 10.02.2017 and this fact itself shows that the petitioner has been evading to join the investigation/his arrest since long. Anticipatory bail is an extra-ordinary

relief meant for being extended in exceptional circumstances and the same cannot be granted to a person, who has remained or is an absconder/proclaimed person in any criminal case.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

November 10, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*