

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22600-2021

Date of decision: - 06.07.2021

Sanjay Bakshi

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Karan Singh, Advocate
for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana
with Mr. Vijay Kumar Nehra, ACP, HQ, Panchkula.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the second petition filed under Section 438 Cr.P.C.
for the grant of anticipatory bail to the petitioner in respect of FIR No.573
dated 12.12.2019, registered under Sections 406, 420 and 120-B IPC, at
Police Station Sector 5, Panchkula, District Panchkula.

This Court by a detailed order dated 21.08.2020 had rejected
the anticipatory bail petition of the petitioner. In this second bail petition,
no changed circumstances have been shown, which prompted the
petitioner to file the same.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana,
who has joined the proceedings through video conference, keeping in

view the service of advance copy of petition, accepts notice on behalf of respondent-State

Learned State counsel submits that despite best efforts of the police authorities, petitioner has not been apprehended and is evading arrest for the last more than one year and the proceedings for declaring the petitioner as proclaimed offender has already been initiated. Learned counsel for the State further submits that the custodial interrogation of the petitioner is necessary to unearth the truth as money collected by duping the innocent people was also depicted in the account of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the FIR was registered on 12.12.2019 with the specific allegations against the petitioner and other co-accused. Petitioner has been evading the arrest till now. His earlier anticipatory bail petition was dismissed by a detailed order on 21.08.2020 and no changed circumstances have been brought to the notice of this Court so as to entertain the second petition seeking anticipatory bail. Further, as the petitioner is evading arrest, even the proclamation proceedings for declaring the petitioner as a proclaimed offender are already in progress.

In the present case, though, the State is opposing the grant of anticipatory bail to the petitioner, but the respondents have not been able to furnish any satisfactory reply that if custodial interrogation of the petitioner is necessary what is preventing them to arrest the petitioner for the last one and half year. The “efforts”, stated to have been undertaken by the police to arrest the petitioner in this case, speaks volume about the

manner in which the police is proceeding qua the petitioner, though, today learned counsel appearing on behalf of the State, duly assisted by the Assistant Commissioner of Police, Head Quarter, Panchkula, submits that the required action in respect of the FIR will be undertaken by the police as early as possible so as to unearth the truth.

Keeping in view the fact that the earlier anticipatory bail petition filed by the petitioner has already been dismissed by a detailed order and without there being any changed circumstances and also in view of the fact that the petitioner, prima facie, is a habitual offender and there are specific allegations against him of receiving Rs.10 lakhs out of the money, of which innocent people were duped of, the custodial interrogation of the petitioner is very much required in the facts and circumstances of present case. Hence, the prayer of the petitioner for the grant of anticipatory bail cannot be accepted and the same is accordingly dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(**HARSIMRAN SINGH SETHI**)
JUDGE

July 06, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No