

**216+130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8915-2022 (O&M)

Date of decision : 21.03.2022

Renu Bala

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anil Kumar Garg, Advocate for the petitioners.
Mr. V.G.Jauhar, Senior DAG, Punjab.

MANOJ BAJAJ, J.

CRM-10340-2022

Application is allowed as prayed for.

Annexure P-7 is taken on record.

Main case

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.245 dated 12.09.2018 under Section 420 Indian Penal Code, 1860 and Sections 4 and 5 Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (Section 120-B IPC added later on) registered at Police Station City Sangrur, District Sangrur, who apprehends her arrest at the hands of Police.

Learned counsel for the petitioner has argued that the petitioner was a Government employee and is not connected with the company, wherein money was deposited by the complainant(s) and she

has been falsely implicated being wife of the Director of the said company. He submits that she was made an accused on 02.01.2019 and till August, 2019 no attempts were made by police to arrest her. According to him, the petitioner has been wrongly declared as proclaimed offender. He submits that on 03.03.2022, the following order was passed:-

“Learned counsel contends that the allegations in the FIR regarding deposit of money upon the promise of handsome returns was against co-accused, namely, Sandeep Kumar and Jatinder Jain, whereas the petitioner is not named in the FIR, who was implicated as accused in January 2019. Learned counsel has further pointed out that till August, 2019, petitioner was in India, and thereafter she went abroad and stands declared as proclaimed offender vide order dated 30.07.2021 (Annexure P-8). According to him, the petitioner is to return to India within three weeks, who is willing to join the proceedings of this case.

Notice of motion for 21.03.2022.

A photocopy of this order be placed on the file of connected case.”

Learned counsel for the petitioner has invited the attention of the Court to Annexure P-7 and submitted that the petitioner is arriving in India, who is willing to join the investigation and prays for grant of anticipatory bail.

On the other hand, learned State counsel assisted by ASI Sukhwinder Singh has opposed the prayer vehemently and has argued that the petitioner was well aware of the above FIR and her status as an accused. Learned State counsel has produced the copy of the order dated 16.10.2019 passed in CRM-M-49795-2018, wherein her prayer for issuance of directions to official respondents for not harassing her by calling in police station in relation to subject FIR and for issuance of

directions to entrust the investigation to some independent agency was dismissed. He prays for dismissal of the petition.

Learned counsel for the petitioner is unable to justify the conduct of the petitioner. He states that the filing of pervious petition has not been disclosed by the petitioner, therefore, the same is not contained in the petition.

Admittedly, the petitioner is abroad and in view of the stand of learned state counsel, it is apparent that petitioner was well aware of the pendency of the case against her when she left India and thereafter, she has been declared as proclaimed person as well.

Thus, considering the fact that the petitioner is a proclaimed offender, this petition to seek anticipatory bail is not maintainable, in view of the decision dated 27.08.2021 delivered by this Court in ***CRM-M-56142-2018 (Arjun Bhanot Vs. State of Punjab and Anr)***, therefore, the same is dismissed with costs of Rs. 25,000/-, as she has concealed material facts from this Court. The costs be deposited with Punjab and Haryana High Court Employees' Welfare Association within a period of two months.

Chief Judicial Magistrate, Sangrur shall ensure the recovery and deposit of the costs.

Dismissed.

21.03.2022

vanita

Whether speaking/reasoned :

Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes No

Yes No