

**101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38971-2021

Date of decision-27.01.2022

Lovely Kumar

....Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.322 dated 10.11.2018 under Section 420 Indian Penal Code, 1860, Section 24 Immigration Act, 1983 and Section 13 Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Division No.8, District Ludhiana., who apprehends his arrest at the hands of the police being a proclaimed offender.

Learned counsel for the petitioner has argued that as the parties have entered into a compromise, therefore, he be released on pre-arrest bail. He further submits that the petitioner has filed a separate petition bearing No.CRM-M-39111-2021 for quashing of the order dated 31.10.2019, whereby he was declared proclaimed offender.

During the course of hearing, it is not disputed by learned counsel that the petitioner is involved in number of cases of similar nature. The details of the cases is contained in the connected petition bearing No.CRM-M-53477-2021, which is as under:-

S.No.	FIR	Current Status
1.	FIR No.198 dated 11.06.2018, P.S.Div. No.5, Ludhiana	The case has been compromised and FIR has been quashed by this Hon'ble Court vide order dated 13.03.2020 in CRM-M-24406-2019
2.	FIR No.250 dated 19.07.2018 P.S.Div.No.5, Ludhiana	The case has been compromised and the quashing petition CRM-M-35801-2019 is still pending before this Hon'ble Court after issuance of Notice of motion
3.	FIR No.84 dated 16.03.2018, P.S.Div.No.8, Ludhiana	The case has been compromised and the quashing petition CRM-M-28152-2018 is still pending before this Hon'ble Court after issuance of notice of motion and recording of statement before the Ld.Trial Court. Though it would be pertinent to mention here that it appears that the petitioner has been declared a P.O in the above mentioned case
4.	FIR No.215 dated 24.07.2018 P.S.Div.No.8, Ludhiana	The compromise has been affected between the parties and a compromise quashing is being filed before this Hon'ble Court
5.	FIR No.292 dated 26.09.2018, P.S.Div.No.8, Ludhiana	The case has been compromised and the quashing petition CRM-M-5383-2020 is still pending before this Hon'ble Court after issuance of notice of motion
6.	FIR No.36 dated 04.02.2019 P.S.Div.No.8, Ludhiana	The case has been compromised and the quashing petition CRM-M-27294-2021 is still pending before this Hon'ble Court after issuance of notice of motion
7.	FIR No.128 dated 24.04.2019 P.S.Div.No.8, Ludhiana	The compromise has been affected between the parties and a compromise quashing petition is to be filed. Earlier petition bearing No.CRM-M-28392-2021 was dismissed as withdrawn as the petitioner could not appear before the lower court for recording his statement being a P.O. in certain other cases. The petitioner has already compromised the FIR No.322 dated 10.11.2018 PS Division No.8 Ludhiana, which led to the P.O. order and a compromise quashing is being filed regarding the same. Further the petitioner has also challenged the order under Section 82 Cr.P.C vide CRM-M-39111-2021, which is pending for 27.01.2022. It is this order which has ultimately led him to become a P.O.
8.	FIR No.418 dated 25.12.2019 P.S.Div.No.8, Ludhiana	The compromise has been affected between the parties and a compromise quashing petition is to be filed. Earlier petition bearing No.CRM-m-28390-2021 was dismissed as withdrawn as the petitioner could not appear before the lower court for recording his statement being a P.O.in certain other cases. It would be pertinent to mention here that the petitioner has compromised the matter in FIR No.322 of 2018 in which the petitioner has ultimately been declared a P.O and has separately challenged the order under Section 82 Cr.P.C vide CRM-M-39111-2021, which has ultimately led to the petitioner being declared a P.O along with

		anticipatory bail bearing number CRM-M-38971 of 2021.
9.	FIR No.359 dated 30.10.2019 P.S.Div.No.8, Ludhiana	The case has been compromised and the quashing petition CRM-M-34594-2021 is still pending before this Hon'ble Court after issuance of notice of motion.
10.	FIR No.0322 dated 10.11.2018 P.S.Div.No.8, Ludhiana	The compromise has been affected between the parties and a compromise quashing is being filed before this Hon'ble Court. It would be pertinent to mention herein that in fact the petitioner has been wrongly declared as P.O in the present FIR, however, he has already filed anticipatory bail application bearing No. CRM-M-38971 of 2021 along with quashing of order under Section 82 Cr.P.C vide CRM-M-39111 of 2021.
11.	FIR No.24 dated 17.01.2020 P.S.Div.No.8, Ludhiana	This is FIR U/s 174-A and quashing of order u/s 82 Cr.P.C has been filed vide CRM-M-39111 of 2021 and is currently pending before this Hon'ble Court on 27.01.2022.
12	FIR No.20 dated 06.11.2017 P.S NRI Wing, Ludhiana	Quashing petition is being filed before this Hon'ble Court.

In the other cases also though it has been pleaded that the petitioner has entered into compromise, but he was declared proclaimed offender in other cases as well.

Considering the background of this case, particularly the fact that the petitioner was declared proclaimed offender on 31.10.2019, who has neither associated himself with the investigation of the case nor appeared before the Court pursuant to the issuance of warrants/notice of proclamation, this Court is not inclined to extend him the extra ordinary concession of pre arrest bail.

Dismissed.

27.01.2022

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Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes No
Yes No