

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(105)

CRM-M-7158-2023

Date of Decision: 09.02.2023

Balkar Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Sonpreet Singh, Advocate with
Mr. Ravinder Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C seeking the benefit of anticipatory bail to the petitioner in case FIR No.42 dated 20.4.2015 under section 420 I.P.C, registered at Police Station, Raman, District Bathinda.

As per factual matrix, the FIR in question was registered on the statement of appellants named by complainant Sandeep Singh and Sukhmander Singh, wherein it was alleged that about 14 accused including Balkar Singh i.e. the present petitioner cheated the complainants on the pretext of getting them recruited as Ticket Collector in Railways Department. The complainants were approached by the co-accused and a hefty amount of money was taken from them by trapping them for providing the job in Railways Department. They were called at different places. The fake medical was conducted and thereafter fake appointment letters were given to them. Later on they found to have been cheated and thus lodged the present FIR for taking action against the culprits.

Apprehending the arrest, petitioner approached the court of learned Addl. Sessions Judge, Bathinda for grant of bail, however, after hearing the parties, the same was declined vide order dated 11.10.2019. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in this case. It is submitted that petitioner was found innocent during investigation but thereafter he was summoned under section 319 Cr.P.C by the learned Trial Court vide order dated 30.1.2019.

On the other hand, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that there are specific allegations of taking hefty amount from the complainants against the petitioner. He submits that though petitioner was declared innocent during investigation, however, he was summoned under section 319 Cr.P.C and thereafter he is absconding. He submits that as the petitioner is already an absconder he does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties at length and have gone through the records carefully.

From the allegations made in the FIR, it is apparent that there are specific allegations of having embezzled a hefty amount from the complainant on the pretext of providing them job. It is also an admitted position that petitioner is an absconder.

Hon'ble the Supreme Court in ***Prem Shankar Prasad Vs. State of Bihar, 2021 SCC Online SC 955*** has clearly held that if accused are absconders there lies no anticipatory bail in such cases.

The Hon'ble Apex Court in plethora of judicial precedents has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which can be exercised in the extraordinary circumstances. Weighing the facts and circumstances of the case on the anvil of law settled, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour.

Resultantly, the petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

09.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No