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(218)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51607-2022

Date of Decision: 18.05.2023

RAKESH KUMAR @ RUBI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.45 dated 07.09.2018 (Annexure P-1) registered under Sections 420, 411 IPC, 1860 at Police Station Garhdiwala, District Hoshiarpur.

2. The present FIR came to be registered at the instance of Parveen Kumar son of Ved Parkash who stated that he was the owner of Jindal Oil Mills. Vineet Kumar son of Varinder Kumar and Rakesh Kumar @ Rubi (petitioner) son of Jai Pal had received mustard oil worth Rs.6,60,000/- on three different addresses and had issued a cheque Nos.521222 and 521221 of the Indian Bank. The said cheques were issued with an intention to cheat him (complainant). One other cheque bearing No.360762 of Rs.1,70,43,925/- was also issued by Vineet Kumar and the account did not have cash. Vineet Kumar had also account No.004200010092 at Capital Bank which was a fake account. Strict action was sought against the accused.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The case had been fixed for prosecution evidence on 01.10.2021. However, he was unable to appear on that date and he was ordered to be summoned through non-bailable warrants after his bail had been cancelled. However, thereafter, he surrendered in September, 2022 and since then he has been in custody. As the case was triable by the Court of a Magistrate, the petitioner was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is a habitual offender with as many as 04 cases registered against him. The petitioner was initially arrested in the present case on 19.11.2018 and thereafter, absented himself pursuant to the grant of bail and came to be arrested only on 09.09.2022 after he had been declared a proclaimed offender on 06.08.2022. Similarly, the co-accused of the petitioner namely, Vineet Kumar evaded proceedings and was declared a proclaimed offender on 22.08.2019. He thus, contends that as the petitioner had been declared a proclaimed offender in the present case and the conduct of his co-accused was similar, the petitioner was not entitled to the grant of bail as he was likely to abscond again if granted bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is an accused in other 04 cases bearing FIR No.68 dated 05.11.2018 under Section 420 IPC at Rawalpindi, Phagwara, FIR No.155 dated 14.06.2006 under Sections 379/411 IPC Police Station Model Town, Hoshiarpur, FIR No.08 dated 10.01.2019 under Section

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420 IPC Police Station Adampur, Jalandhar and FIR No.87/2010 dated 01.01.1900 under Sections 379/411 IPC Police Station Bullowal. In addition, the petitioner was declared a proclaimed offender after having absconded for almost one year. The conduct of his co-accused Vineet Kumar is also similar. Therefore, the possibility of him fleeing from justice once again if he is granted the concession of regular bail cannot be ruled out.

7. I view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same is dismissed.

8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible.

(JASJIT SINGH BEDI)
JUDGE

18.05.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No