



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.30455 of 2024

Date of decision: 10<sup>th</sup> July, 2024

Birinder Singh  
... Petitioner

Versus

State of Punjab  
... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Vikram Anand and Mr. Harmeet Singh,  
Advocates for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab  
for the respondent/State.

Ms. Suchi Sodhi, Advocate for the complainant.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.98 dated 31.03.2021 under Sections 420, 406 of the IPC registered at Police Station Dera Bassi, District SAS Nagar (Mohali).
2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case based on a complaint lodged by his sister. The FIR in question (Annexure P-1) was registered solely due to the influence which his sister was wielding over higher officials. Furthermore, during the course of the investigation, the petitioner was granted anticipatory bail by the learned Additional



Sessions Judge, SAS Nagar Mohali on 27.07.2021. Subsequently, after filing an application seeking permission to travel abroad, the petitioner was granted permission vide order dated 06.09.2021 to travel for the medical treatment of his wife, subject to certain conditions. However, the petitioner was unable to return as per the conditions specified in the aforementioned order due to the demise of his wife on 11.08.2021. Learned counsel has further submitted that the petitioner then filed an application for extension of his stay abroad, which was granted, allowing him to remain abroad until 30.06.2022. Despite this, due to his own health issues and the death of his wife, the petitioner could not return to India within the stipulated time. During this period, report under Section 173 of the Cr.P.C. was submitted on 30.04.2022, and due to his non-appearance, the Court initiated proceedings under Section 82 Cr.P.C. against the petitioner.

3. Learned counsel has further contended that the petitioner's absence was neither intentional nor willful. The petitioner is prepared to face trial before the learned trial Court, comply with all conditions imposed by the Court while granting bail. It has also been submitted that the petitioner has to attend the Bhog ceremony of his late mother who has expired during his stay abroad. Learned counsel has lastly urged that since the challan stands presented, no recovery is to be affected from the



petitioner, and therefore, his prayer for grant of anticipatory bail be accepted.

4. Learned State counsel assisted by the learned counsel for the complainant, at the outset, have vehemently opposed the prayer and submissions made by the counsel opposite. They have argued that since the petitioner is a proclaimed offender, he is not entitled to the concession of anticipatory bail; the petitioner is not even in India but is residing in the USA. Furthermore, learned State counsel as well as learned counsel for the complainant have drawn the attention of this Court to the allegations levelled against the petitioner, who defrauded the complainant/respondent to the tune of approx. ₹39.00 lacs. It has been asserted that there are serious allegations against the petitioner in the FIR which was registered over three years ago. Furthermore, the repeated non-appearance of the petitioner had led to the forfeiture of his bail bonds to the State, and he was summoned through non-bailable warrants of arrest on several occasions including 07.10.2022, 05.05.2023, 18.08.2023 and 23.02.2024, but he had failed to appear. Consequently, due to his repeated defaults, despite multiple opportunities to surrender, proceedings under Section 82 Cr.P.C. were initiated against him on 12.01.2024 and yet another fresh proclamation was issued on 01.04.2024 due to his non-appearance. Furthermore, the



bhog ceremony of the petitioner's late mother already stands performed on 10.07.2024.

5. Having heard the learned counsel for the parties and perusing the relevant material on record, it is evident that there are grave and serious allegations against the petitioner/accused, including siphoning off the sale proceeds of the disputed/shared land, and defrauding the complainant to the tune of approx. ₹39.00 lacs. A bare perusal of the material on record reveals that the accused was granted multiple opportunities to surrender. The petitioner was permitted to go abroad, and subsequently his application for extension of his stay abroad was also allowed, permitting him to remain abroad until 30.06.2022. However, due to his non-appearance, his regular bail was cancelled and his bail bonds were forfeited to the State by the learned trial Court. He was ordered to be summoned through non-bailable warrants of arrest and yet, he did not appear before the learned trial Court, as a result proclamation had to be issued to secure his presence. It is, thus, abundantly clear that the petitioner has neither been cooperating with the Investigating Agency nor complying with the orders passed by the trial Court, and is intentionally and willfully evading the process of law.

6. In light of the facts and circumstances as enumerated hereinabove, no ground is made out to extend the extraordinary



concession of anticipatory bail to the petitioner in the instant case. The petition, as such, stands dismissed.

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

(MANJARI NEHRU KAUL)  
JUDGE

July 10, 2024  
*rps*

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