

**In the Court of Shri Shiv Mohan Garg, UID No.PB0164,
Addl. Sessions Judge,
Amritsar.**

B.A. No. : 525 of 2018.
CNR No. : PBAS010159202018.
CIS No. : BA/10947/2018.
Date of Institution : 06.11.2018.
Date of Order. : 13.11.2018.

S T A T E

vs.

Sachin Arora aged about 43 years son of Shri Kewal Kant Arora resident of 179, S.G. Enclave, Majitha Road byepass, Amritsar.

FIR no.74/2012.
U/ss 420, 467, 468, 471 IPC.
P.S. Sadar, Amritsar.
Ist Bail application u/s 438 Cr.P.C.

Present : Shri Mukesh Nanda, Advocate, counsel for the applicant.
Shri Shivraj Singh Sran, Additional PP for the State.

O R D E R

1. Arguments heard on the bail application filed by Sachin Arora under section 438 Cr.P.C. for grant of bail. Notice of this bail application was given to Additional PP for the State who appeared and contested it.
2. As per the prosecution version an FIR was registered against the accused on 08.05.2012 on the complaint of Ravi Bhupinder Mahajan that they have got prepared a report regarding plot no.169 from Surveyor for the purpose of obtaining of loan from Indian Overseas Bank and to commit cheating and misappropriation of the loan amount and later on they failed to return the loan

amount taken on the basis of forged documents. So, FIR was registered. During the investigation applicant Sachin Arora was declared proclaimed offender on 22.08.2016.

3. Fearing his arrest the applicant has filed this bail application stating that a false case has been registered against him. He is innocent but he has been declared proclaimed offender on 22.08.2016 by the learned ACJM, Amritsar, whereas he has never been served to appear in any proceedings. Moreover, auction proceedings have been set aside by Hon'ble High Court on 05.04.2017. The cancellation report was presented in the matter by police but the same was not accepted by the Court. The applicant is ready to join the investigation. He will abide by the terms and conditions of bail order and prayer is made for grant of bail.

4. Whereas the learned Additional PP has opposed the bail application stating that keeping in view the gravity of matter accused is not entitled to concession of bail.

5. Heard. Record perused. As per record the accused was declared proclaimed offender on 22.08.2016 and cancellation report allegedly submitted by police in the present FIR has not been accepted by Court and it is stated that cognizance in the matter has already been taken. After being declared proclaimed offender on 22.08.2016 more than two years have already elapsed but the applicant is evading the process till date. So, in such circumstances the anticipatory bail of proclaimed offender is not maintainable and the same is

hereby dismissed.

6. Anything observed herein will have no effect on the merits of the case.

Lower Court file be sent back alongwith a copy of this order. Record of bail application be consigned to the record room.

**Pronounced :
13.11.2018.**

**(Shiv Mohan Garg)
Addl. Sessions Judge,
Amritsar.
UID No.PB0164.**

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Stenographer-II