

CNR No: PBJL010096582019

CIS No: BA/1053/2019

Present: Sh.Rajneesh Khanna, Advocate, counsel for applicant/accused.
Shri Gurpal Singh, Additional Public Prosecutor for the State.

Arguments on anticipatory bail application moved by applicant/accused Vikas Kumar Khanna under Section 438 Cr.P.C. in case FIR No.83, dated 12.06.2018, under Sections 406, 420 of Indian Penal Code, heard. Police record produced and perused.

The learned counsel for applicant/ accused has argued that applicant/accused has been falsely implicated in this case. His name does not figure in the FIR. Nothing is required to be recovered from his possession. He is ready to join the investigation. Therefore, it is prayed that applicant/accused may kindly be released on bail.

On the other hand, learned Additional Public Prosecutor for the State has opposed the bail application on the ground that applicant/accused dishonestly induced the complainant to deliver him 12 Patila (Vessels) and 3 silver tubs on the pretext of Langar but later on he did not return the same to the complainant and misappropriated the same. Applicant/accused also concealed his whereabouts and he has been declared proclaimed offender by the Illaqa Magistrate vide order dated 14.02.2019. As such, he is not entitled to get the concession of bail and

his bail application may kindly be dismissed.

Allegations against the applicant/accused are that at about 6.00 p.m. on 26.05.2018, he visited the tent house of complainant Dalip Gayakwar and dishonestly induced him to deliver 12 Patila (vessels) and 3 silver tubs on the pretext of langar but he did not return the same to the complainant and misappropriated the same. Applicant/accused could not be arrested. Vide order dated 14.02.2019, he was declared proclaimed offender, when he did not appear despite service through proclamation under Section 82 Cr.P.C. Since applicant/ accused has already been declared proclaimed offender vide order dated 14.02.2019 and his custodial interrogation is also required for the recovery of the above said articles of the complainant, therefore, I do not find any justification to grant the extra ordinary concession of pre-arrest bail to the applicant/accused. Accordingly, bail application moved by applicant/ accused stands dismissed. Summoned file be sent back along with a copy of this order immediately. Bail application file be consigned to the Record Room.

Pronounced:

Dated:19.03.2019.

(Sham Lal),
Additional Sessions Judge
Jalandhar.
[UID No.PB0123]

manjit singh, stenographer