

IN THE COURT OF MS. ANJANA, ADDITIONAL SESSIONS JUDGE,
HOSHIARPUR(UID No.PB0448)

CIS No.BA/1423/2024
CNR No.PBHO010046062024
Decided on : 06.06.2024

Amrit Pal Singh, aged 54 years S/o Jasjit Singh R/o Village Lesiriwal, Adampur,
Distt.Jalandhar, at present residing at 142, Gurjit Nagar, Garha, Jalandhar.

....Accused/Applicant

Versus

State of Punjab

....Respondent.

FIR No.122 dated 30.10.1999,
U/s 420, 406, 120-B IPC,
P.S. Haryana.

Anticipatory bail Application under section 438 Cr.PC.

Present: Ms.Ravneet Kaur, Advocate for applicant/accused
Sh. Charanjit Singh, Additional Public Prosecutor for State

ORDER

1. This order of mine shall dispose of bail application under section 438 Cr.P.C for grant of anticipatory bail to the applicant/accused.
2. Notice of the bail application was issued to State and Sh.Charanjit Singh, ld. APP for State appeared on behalf of State.
3. Learned counsel for accused/applicant has contended that the applicant is innocent and he has been falsely implicated in the present case. The entire version created by the complainant is false and fabricated. The applicant is running the business of Travel Agent and he is disabled 60% and also suffering from other ailments including Locomotor Disability as he has been suffering from right side paralysis from last more than 20 years. The complainant could not show any bank transactions which can transpire that actually the accused has received any amount from the complainant. When complainant is alleging the death of his son at Kiev(Capital of Ukraine), the applicant was under going the medical treatment there as he had been residing there already before the death of son of

complainant. The real facts are that the son of complainant was suffering from jaundice at that time and he died there. Moreover, the complainant alleged that his son was sent from Delhi to Moscow or Dubai or Rumania or any other country as his son was alleged to be misguided by the other co-accused at that time, but, death of his son was reported to be occurred at Kiev and how come he could be reported to be died there if he had went somewhere else. The co-accused namely Tarsem Kaur was acquitted by the court of Ms.Preeti Sahni, the then ACJM, Hoshiarpur, vide order dated 12.11.2009 and co-accused Rajinder Kaur was undergone U/s 420 IPC by the Hon'ble High Court vide order dated 06.09.2019. It is further submitted that as per instructions of the DA Legal, the police could not conduct the proper inquiry and he was never joined in the investigation by the police in the present case. No offence is made out against him and there is no sufficient evidence regarding the allegations made by the complainant. The concerned police is raiding at his house to arrest him by alleging that applicant was declared P.O. vide court order dated 17.07.2001 whereas he was not having any information regarding the pendency or disposal of the present FIR or trial against him. The applicant is not able to join the investigation in any police station or any authority due to physical disability. The applicant can only join the investigation if the assistance of the court authority is granted to him as he is unable to move on his bed to take a drop of water. Lastly, prayer has been made for acceptance of bail application.

4. On the other hand, learned Addl. Public Prosecutor for State has vehemently opposed all the contentions raised by learned counsel for the accused/applicant and argued that there are specific allegations against the accused/applicant. In the present case there were five accused out of which one accused namely Rajinder Kaur who is none else but the mother of the present applicant has been convicted in this case vide judgment dated 12.11.2009. Hence,

the presence applicant was very much aware about the pendency of the trial in this case and the applicant deliberately has not put his appearance in the court and ultimately declared P.O. on 17.07.2001. Thus, due to gravity and seriousness of the offence, the accused/applicant does not entitle to concession of anticipatory bail at this stage. Lastly, prayer has been made for the dismissal of the bail application.

5. After giving my careful thoughtful consideration to the rival submissions and on careful perusal of the averments of the application, contents of the FIR coupled with the due assistance rendered, it is found that the present bail application merits dismissal. The present case was registered on the statement of complainant Bakhshish Singh on the allegations that Gurbaksh Singh and his wife Tarsem Kaur were residing in House No.1173, Phase-3B, Mohali were known to him. They told him that their son is residing abroad and the complainant expressed his desire to send his son abroad. They got introduced Rajinder Kaur W/o Jasjit Singh as he used to send the persons abroad. Then on 12-13/08.1998, Rajinder Kaur Tarsem Kaur and Gurbax Singh came to his house and bargain was settled to send the son of complainant to Italy in total Rs.3.00 lakh. On 20.08.1998, they took passport of his son Surinderjit Singh and also took an amount of Rs.13,500/- from him and Rajinder Kaur gave receipt of this amount to him. The accused No.1 received Rs.1,16,500/- more from him and told him that visa has been obtained and they would send his son to Italy. On 10.10.1998, Rajinder Kaur, her husband Jasjit Singh, Tarsem kaur and Gurbax Singh came and again took Rs.2,20,000/- from him and at that time his son Surinderjit Singh accompanied them. Then accused arranged flight of his son from Delhi to Moscow on 11.10.1998. Onkar Singh is the son of accused Rajinder Kaur. Then son of complainant was sent to Armania. From there, his son made phone call that he was not sent at proper place and accused raised

demand of Rs.50,000/- more. Then, complainant gave Rs.50,000/- more to one Narinder Kumar. After some time, he could not establish contact with his son. Then, he met accused Tarsem Kaur and Gurbax Singh at Mohali and Tarsem Kaur assured him that he would not receive any complaint and his son would be settled properly at abroad. After some time, he received an intimation that his son had died and his dead body was lying in some hospital at Kieve. Thereafter, complainant at his own level established contact and asked the authorities to send the dead body of his son for cremation purposes, but, due to some reasons his dead body could not reach India. Thus, accused have taken total Rs.4.00 lakh from the complainant for the purpose of sending the son of complainant to Italy, but, neither they sent his son to Italy nor returned his amount, rather his son has died in Kiev. It is prayed for initiating legal proceedings against them.

6. After giving my careful and thoughtful consideration to the rival contentions and on careful perusal of averments of application, contents of FIR coupled with the duly assistance rendered, the Court is of the considered view that present bail application merits dismissal. Perusal of file reveals that an application has been moved by the SHO of concerned police station for issuance of non bailable warrants of accused/applicant as the accused was evading his arrest due to present case before the Id. JMIC, Hoshiarpur, and in view of the application, the Id. JMIC, Hoshiarpur, has issued the non bailable warrants of arrest vide order dated 11.10.2000. Thereafter, P.O. proceedings were initiated against the accused/applicant but the accused has not remained present in the court and ultimately, he was declared proclaimed person by the court of Mrs.Ramesh Kumari, the then Id. JMIC, Hoshiarpur, vide order dated 17.07.2001. In the case titled as Rajbir @ Lilu Vs. State of Haryana 2003(4) Criminal Court Cases 773 (P&H) our Hon'ble High Court has held that, "If

accused is Proclaimed Offender, he has no right to apply for pre-arrest bail. It would be travesty of justice that on the one hand, accused is Proclaimed Offender, on the other hand, he is seeking his release by pre-arrest bail.” In another judgment titled as **Parminder Singh Garhcha Versus State of Punjab 2004(1) Criminal Court Cases 428(P&H)** our Hon'ble High Court has held that, *“When accused is absconding, there is no question of granting him bail.”* In another judgment titled as **State of Madhya Pradesh Versus Pardeep Sharma 2014(2) SCC 171**, similar view has been taken. Therefore, in view of all these facts and circumstances of the case in hand, this court is of the considered view that no case is made out in his favour for concession of anticipatory bail. Accordingly, this bail application deserves dismissal.

7. As a result of my above discussion, the present bail application being bereft of any substance, is hereby dismissed. Papers be attached with main file.

Pronounced;
Dated: 06.06.2024

(Anjana)
Additional Sessions Judge,
Hoshiarpur.(UID No.PB0448)

Rakesh Kumar, Steno
(Direct Dictation)

CIS No.BA/1423/2024

CNR No.PBHO010046062024

Amrit Pal Singh Vs. State of Punjab

Present: Ms.Ravneet Kaur, Advocate for applicant/accused
Sh.Charanjit Singh, Additional Public Prosecutor for State

Main file received. Arguments heard. Vide my separate order of even date, the present bail application stands dismissed, for the reasons as indicated therein. Record be returned and file of bail application be consigned to record room.

Pronounced;
Dated: 06.06.2024

(Anjana)
Additional Sessions Judge,
Hoshiarpur.(UID No.PB0448)

Rakesh Kumar, Steno