

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **Bail Appl. No.1654/2008**

% **Date of Decision: 03.09.2008**

Bhupinder Singh @ Bablu Petitioner

Through Mr.Suresh Sisodia, Advocate

Versus

State (NCT of Delhi) Respondent

Through Mr.Amit Sharma, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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1. The petitioner seeks anticipatory bail under Section 438 of Criminal Procedure Code on the ground that though he was appearing in the matter and he was on bail, on account of the alleged condition of his wife, he could not appear during the trial and was declared as a proclaimed offender. According to the petitioner, the judgment has been given in the case of other co-accused and they have been acquitted and therefore, present petition has been filed seeking anticipatory bail.

2. Learned counsel for the State has strongly objected and contested the petition. It is contended that though the other accused had been acquitted, however, the petitioner jumped the bail leading to issuance of non bailable warrant against him and the petitioner was declared as a proclaimed offender. The order declaring the petitioner as proclaimed offender has not been challenged by him. Learned counsel for the State has also pointed out in the judgment in detail the testimony of witnesses which show that the petitioner was pillion riding on the scooter and he had put a *Katta* (local gun) to the temple of the complainant.

3. Considering the facts and in totality of circumstances, therefore, it is not a fit case to grant the anticipatory bail to the petitioner. The petitioner was granted bail and he jumped the bail and he has already been declared a proclaimed offender. Consequently the application of the petitioner for grant of anticipatory bail under Section 438 of Criminal Procedure Code is without any merit and it is dismissed.

September 03, 2008.
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ANIL KUMAR, J.