

CRM-M-10301-2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision:12.05.2015

Gursharanjit Singh alias Raja

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Kuljit Singh Bal, Advocate,
for the petitioners.

Mr. S.S.Chandumajra, DAG, Punjab.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure (in short, 'the Code') for grant of regular bail to the petitioner in case FIR No.129 dated 27.06.2010, registered at Police Station A Division, Amritsar, under Section 382 read with Section 34 of the Indian Penal Code.

I have heard learned counsel for the petitioner and perused the record.

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Learned counsel for the petitioner contends that as per Section 82 of the Code, proclamation is required to be published, not to be issued by the Court. The alleged publication was effected on 10.10.2014 and mandatory period as prescribed under Section 82 of the Code was not given. It is apparent from the record, itself that a period of 30 days had not expired, therefore, there is no need even to challenge the order of proclamation and regular bail is required to be granted to the petitioner. In support of his contentions, learned counsel relies upon ***Ashok Kumar vs. State of Haryana and another*** 2013 (4) R.C.R. (Criminal) 550.

I have considered the contentions of learned counsel for the petitioner.

In the present case, the petitioner has not challenged the order declaring him as proclaimed offender. The case law ***Ashok Kumar's case (supra)*** is not applicable in the present case, as in the case law (supra), the petition was filed under Section 482 of the Code challenging the order of declaring that petitioner as proclaimed offender. However, the instant petition has been filed under Section 439 of the Code for regular bail. The contentions raised by the learned counsel for the petitioner appear to be frivolous and cannot be sustained at this stage. Such a plea can be raised in a petition challenging the order declaring the petitioner as proclaimed offender. Keeping in view the fact that the petitioner is not submitting to the process of law and there are allegations under Section 382 of IPC against the petitioner, he is not

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entitled for the bail. Otherwise also, if the petitioner is enlarged on bail, he may interfere with the star witnesses and hamper the proceedings.

Dismissed.

12.05.2015
parveen kumar

(Paramjeet Singh)
Judge