

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

Crl. Misc. No.14030 of 2015 (O&M)

Date of Decision: May 01, 2015.

Sukhwinder Singh @ Sukha

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.K. Arya, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

In case bearing FIR No.261 dated 02.11.2010 registered at Police Station Division No.7, Jalandhar for the offences punishable under Sections 406 and 420 of Indian Penal Code, the petitioner sought anticipatory bail. The application of petitioner filed before Additional Sessions Judge, Jalandhar was disposed of with order as follows:-

“Keeping in view the aforesaid facts and attending circumstances of the case, this application is allowed and it is directed that in case the accused/applicant surrenders before the Court of the Illaqa/Dty Magistrate within 15 days in forenoon session and files an application for regular bail, the same shall be disposed of

by the learned trial Court on the same day. In case, if the learned trial Court proposed to dismiss his bail application, 10 days time will be granted to the accused/applicant before making him arrest so that he may have recourses to the other remedies as per law. With these observations, the application is disposed of.”

The petitioner surrendered before the trial Court and applied for regular bail but his application was declined by Judicial Magistrate, Jalandhar vide order dated 11.03.2015. The order passed by the Judicial Magistrate reads as follows:-

“After hearing the contentions of the Ld.APP for the State as well as Ld.Counsel for the accused/applicant, I am of the considered opinion that the accused has already been declared as Proclaimed Offender by the court although in investigation period. So, under these circumstances, I do not found (sic find) any ground to release the accused being Proclaimed Offender at this stage. Hence, the application stands dismissed. However, in compliance of the orders of Ld. Appellate Court, the accused has been granted bail for a period of 10 days for availing the other remedies as per law.”

Now, the petitioner has again sought anticipatory bail. The application filed by the petitioner, on the face of it, is not maintainable.

Learned counsel for the petitioner seeks some time to approach Court of Sessions at Jalandhar to seek regular bail.

This petition is disposed of with liberty to the petitioner to

apply for regular bail before the Court of Sessions at Jalandhar within a period of seven days from today. Till then he may not be arrested in this case and in case of his arrest being required, he shall be released on interim bail for seven days i.e. till 07.05.2015, subject to his furnishing bonds to the satisfaction of Arresting Officer/Court concerned.

May 01, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE