

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

CRM-M-15523-2015

Date of decision: 15.05.2015

Amarjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jag Nahar Singh, Advocate for
Mr. S.S. Rangi, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK J.(ORAL):

Petitioner seeks pre-arrest bail in FIR No.74 dated 10.05.2012 under Sections 307, 427, 447, 148, 149, 506, 511 of Indian Penal Code ('IPC' for short) and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Khanna, Police District Khanna.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He had no role to play. He has been illegally declared proclaimed offender by the learned Addl. Sessions Judge, vide order dated 12.03.2015, which is being sought to be quashed by way of separate CRM-M-15609-2015. He further submits that since the petitioner has been falsely implicated, in another case bearing FIR No.26 dated 02.02.2014 under Sections 302, 307, 427, 148, 149, 120-B IPC and

Sections 25, 27, 54, 59 of Arms Act, registered at Police Station City, Police District Khanna, he could not appear in the present case. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation obtaining in the present case, instant one has not been found to be a fit case for anticipatory bail, for the following more than one reasons.

It is a matter of record that petitioner is a proclaimed offender. He was declared proclaimed offender by the learned trial Court, vide order dated 12.03.2015 because he did not appear before the learned trial Court, for a period of about one year, without there being any justification. Petitioner absented from the Court on 26.02.2014. Non-bailable warrants for arrest of the petitioner were issued. Since the petitioner was avoiding his arrest, he was sought to be served through proclamation. However, in spite of the proclamation, petitioner did not surrender and kept on absenting himself from the Court proceedings, because of which criminal trial remained stalled for a period of about one year. Having said that, this Court feels no hesitation to conclude that the petitioner, who has no respect for the law of the land, is not entitled for the discretionary relief of anticipatory bail, at the hand of this Court.

During the course of hearing, when a pointed question was put to learned counsel for the petitioner, whether the petitioner is now ready to surrender before the learned trial Court, so that appropriate directions may be

issued to the learned trial Court, he expressed his inability, in this regard. Thus, such kind of an unwarranted attitude of the petitioner also does not entitle him for the concession of pre-arrest bail. It is so said because the petitioner has been misusing the process of law, for a long period of more than one year. His absence cannot be accepted to be unintentional. He is not ready to surrender before the learned trial Court, even now. In such a situation, it can be safely concluded that the petitioner, who is running from the law, does not deserve any sympathy from the Court.

The abovesaid view taken by this Court also finds support from the judgment of the Hon'ble Supreme Court in **Lavesh Vs. State (NCT of Delhi), 2012 (8) SCC 730**. The relevant observations made by the Hon'ble Supreme Court in para 10 of its judgment in Lavesh's case (supra), which can be gainfully followed in the present case, read as under: -

“From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code, is not entitled the relief of anticipatory bail.”

No other argument was raised.

Considering the peculiar facts and circumstances of the case

noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for anticipatory bail is made out.

Resultantly, with the abovesaid observations made, present petition stands dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

15.05.2015
vishnu