

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

Crl.Misc.No.M-17074 of 2015

Date of decision : 26.5.2015

Gagandeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Harsh Aggarwal, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. for release of the petitioner on bail in terms thereof in case FIR No.352 dated 29.12.2012 under Sections 307, 323, 324, 427, 148, 149 IPC read with Section 25/27 of Arms Act registered at Police Station Nakodar, District Jalandhar City.

The petitioner was involved in a violent occurrence which attracted the provisions of Section 307 IPC besides others indicated above. The FIR is of December 2012 and despite more than two years having been passed the petitioner has not been brought to book. He was declared a proclaimed offender and now prays for concession of pre-arrest bail.

The facts would indicate that the petitioner is the main culprit having given a Kirpan blow on the injured.

In these circumstances, the petitioner's prayer for pre-arrest bail is totally misconceived. He cannot be given this concession considering the fact that he is the main perpetrator of the offence and is a proclaimed offender. His pleas of innocence and ignorance of the proceedings which have been advanced before this Court are equally absurd. A person who has participated in the occurrence would evidently be in the know of registration of a case against him. In any eventuality, at this stage of the proceedings looking at both these factors cumulatively i.e. the petitioner being a proclaimed offender and being the main person accused of causing the injury inviting the provisions under Section 307 IPC, the petitioner cannot be granted the concession of bail.

Before parting with the order the Court notices with surprise that the petitioner has not been arrested by the police so far. The SSP, Jalandhar is directed to look into the matter and arrest the petitioner forthwith within a period of one week from today with a follow up report to the Court.

The prayer of the learned counsel for the petitioner for withdrawal of the petition is declined.

Petition dismissed.

26.5.2015

(MAHESH GROVER)
JUDGE

dss