

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

CRM-M-21458-2015

Date of decision: 06.07.2015

Parneet Swani

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. A.R. Takkar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present petition under Section 482 of Code of Criminal Procedure is directed against the order dated 08.05.2015 (Annexure P-18) passed by learned Judicial Magistrate 1st Class, Kharar, whereby the petitioner was declared proclaimed offender.

During the course of hearing, it has transpired that although the prayer for anticipatory bail was declined by the learned Sessions Court as well as this Court and finally, in the month of August 2014 by the Hon'ble Supreme Court as well, petitioner did not surrender before the learned trial Court. No plausible explanation is forthcoming as to why the petitioner should not have surrendered before the learned trial Court, once his prayer for anticipatory bail was declined by the Hon'ble Supreme Court as well.

Learned counsel for the petitioner submits that petitioner is ready and willing to surrender before the learned trial Court. He will do so within one week from today. He further submits that the learned trial Court may be directed to consider and decide the bail application of the petitioner

at an early date by passing an appropriate order, in accordance with law, but without having been influenced by the impugned order (Annexure P-18), whereby the petitioner was declared proclaimed offender. He prays for disposal of the present petition by passing an appropriate order.

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 once the prayer for anticipatory bail of the petitioner has been declined upto the Hon'ble Supreme Court and that too in the month of August 2014, it was least expected from the petitioner, being a responsible citizen, to surrender immediately before the Court of law and he should have sought appropriate relief accordingly. However, it was not done for the reasons best known to the petitioner. In such a situation, petitioner does not deserve any kind of sympathy from this Court.

However, present petition is disposed of with a direction to learned trial Court that if the petitioner surrenders within one week from today, his bail application shall be considered and decided by passing an appropriate order, strictly in accordance with law and also keeping in view the totality of facts and circumstances of the case brought to its notice, at the instance of both the parties.

With the abovesaid observations made and directions issued, present petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

06.07.2015
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