

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

**CRM-M No. 24293 of 2015 (O&M)
Date of decision: 27.07.2015.**

Malkiat Singh

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Ramesh Sharma, Advocate, for the petitioner.

NAVITA SINGH, J. (ORAL)

This petition has been moved by the petitioners under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No. 316 dated 04.12.2002, under Sections 447, 427, 435, 148 read with Section 149 of the Indian Penal Code and 25/27 of the Arms Act of Police Station Shahkot, District Jalandhar.

The petitioner was declared proclaimed offender in 2004 in FIR No. 316 dated 04.12.2002, as detailed above.

It is now mentioned in the petition that all the co-accused have been acquitted. The judgment of acquittal (Annexure P-2) was passed on 06.05.2010. Thereafter, the petitioner filed a petition for quashing of the FIR and the related proceedings against him on the basis of acquittal of co-accused and this Court directed the petitioner to surrender before Judicial Magistrate 1st Class, Nakodar, within a period of six months from the date of passing of the order, i.e. 30.09.2010. It was also made clear in the order that if the petitioner did not surrender within the stipulated period, the petition would be deemed to have been dismissed.

Admittedly, the petitioner did not surrender after that order and now he has filed this application for anticipatory bail.

It is submitted that he has been in Italy throughout and now the marriage of a close relative of the petitioner has been fixed for 31.07.2015 and the petitioner desires to come to India. He, however, apprehends that when he reaches India, he will be arrested.

In view of the conduct of the petitioner, no ground at all is made out for grant of anticipatory bail because he was declared proclaimed offender in 2004 and he waited for the result of the case and when the co-accused were acquitted in the year 2010, he moved this Court for quashing of the FIR and the order mentioned above was passed. However, he still did not surrender.

The petition is totally devoid of merit and the same is hereby dismissed.

(NAVITA SINGH)
JUDGE

27.07.2015
Ramesh