

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-No. 25952 of 2014
Date of Decision: 03.03.2015

Naresh KumarPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Athwal, Advocate for the petitioner.

Mr. Gurinderjit Singh, Deputy Advocate General,
Punjab.

HARI PAL VERMA, J.(ORAL)

Prayer in the present petition filed u/s 438 Cr.P.C. is for grant of concession of anticipatory bail to the petitioner-Naresh Kumar who has been booked for having committed the offences punishable under Section 302 and 498-A IPC, in a case arising out of FIR No. 43, dated 04.07.2010, registered at Police Station, Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner contends the co-accused of the petitioner, namely, Amriti Devi and Janak Raj have been acquitted, vide judgment dated 06.12.2012(Annexure P-2) passed by Ld. Additional Sessions Judge, Hoshiarpur. He further contends that at the time of the alleged occurrence, the petitioner was not in India and during investigation and at the time of trial, petitioner has been declared a proclaimed offender. Moreover, the entire proceedings of declaring the petitioner a proclaimed offender are vitiated.

Learned counsel for the petitioner also contends that the petitioner is ready and willing to surrender before the Ld. Court

below to face trial. To buttress his submission, the Ld. counsel for the petitioner has placed reliance on **Harbans Singh Gill vs. State of Punjab, 2008(4) RCR, Criminal, 447,** where in the similar circumstances pre-arrest bail was granted.

On the other hand the Ld. counsel for the State, after taking instructions from ASI-Satnam Singh of Police Station, Chabbewal, District Hoshiarpur, submits that he has no objection if the petitioner surrenders and faces trial before the Ld. Trial Court.

In view of the above, the present petition is disposed of with a direction that in case the petitioner appears before Ld. Trial Court within one month of passing of this order then he shall be admitted to bail subject to his furnishing bail bonds to the satisfaction of the Ld. Trial Court.

March 03, 2015
Anjal

(**HARI PAL VERMA**)
JUDGE