

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-29251-2014 (O&M)

Date of Decision: August 17, 2015

Joga Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Mr. Vikas Gupta, Advocate,
for the informant/respondent No. 2.

1. *Whether Reporters of local papers may be allowed to see the judgment?* **Yes**
2. *To be referred to the Reporters or not?* **Yes**
3. *Whether the judgment should be reported in the Digest?* **Yes**

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Joga Singh, son of Karam Singh, resident of village Burj, Police Station, Jhabal, Tehsil

and District Tarn Taran, who has been booked for having committed the offences punishable under Sections 323, 324, 326, and 452 read with Section 34, IPC, in a case arising out of FIR No. 69, dated 3.7.2011, registered at Police Station, Jhabhal, District Tarn Taran.

Learned counsel contends that the present criminal litigation has arisen out of version and cross-version. The petitioner's side had also received injuries in the same occurrence. The opposite party has been charged under Section 447 IPC, which clearly spell out that the opposite party was the aggressor. He further contends that in compliance of the interim direction issued by this Court vide order dated 28.8.2014, the petitioner did join the investigation and cooperated with the investigating agency.

On the other hand, learned counsel for the State, assisted by counsel for the informant/respondent No. 2, submits that though interim directions were issued on 28.8.2014, yet the petitioner was declared as a proclaimed offender on 27.10.2014 by learned Area Judicial Magistrate. He further submits that on 18.11.2014, the petitioner appeared before the Investigating Officer without disclosing the fact that he was declared as a proclaimed offender on 27.10.2014. He further submits that no intimation was received from learned Area Judicial Magistrate with regard to declaration of the petitioner as a proclaimed offender,

therefore, he was joined in the investigation. He further submits that an injury attracting the mischief of Section 326, IPC, by means of *Barchi* has been attributed to the petitioner, on the person of Gurmej Singh (injured). He further submits that which party was aggressor, would be a moot point during the course of trial. At this stage it is sufficient to say that the petitioner has been attributed the injury attracting the mischief under Section 326, IPC, and, hence, it is not a case where anticipatory bail should be granted to him.

It has also been pointed out that for the last more than three years the petitioner had been evading his arrest. Learned counsel for the State also points out that the bail petition of the co-accused of the petitioner has been dismissed by this Court.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the petitioner has been attributed the grievous injury attracting the mischief of Section 326, IPC. He has also been declared as a proclaimed offender by learned Area Judicial Magistrate. For more than three years, the petitioner had been evading his arrest.

It is settled proposition that no indulgence should be shown to a person who is evading his arrest for long time and has also been declared as a proclaimed offender. Reference can be made to **State of Madhya Pradesh v. Pradeep Sharma, 2014 (1)**

R.C.R. (Criminal) 269 (SC); Lavesh v. State (NCT of Delhi), 2012 (4) R.C.R. (Criminal) 240 (SC); and Iqbal Singh Sabharwal and another v. State of Punjab and another (CRM-M-32670-2014, decided by this Court on 7.1.2015).

In view of above, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

Interim directions issued by this Court vide order dated 28.8.2014 are hereby vacated.

**(NARESH KUMAR SANGHI)
JUDGE**

August 17, 2015
Pkapoor