

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

CRM-M No.13135 of 2016
Date of decision: 4th August, 2016

Yadwinder Singh @ Yadav

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. F.S. Virk, Advocate for the petitioner.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J

Through this invocation under Section 438 Cr.P.C. petitioner accused Yadwinder Singh @ Yadav has sought anticipatory bail in this case got registered by way of FIR No.40 dated 29.07.2015 under Sections 307/34 IPC read with Section 25 of the Arms Act pertaining to Police Station Sanour, district Patiala.

Allegations of the prosecution made on the statement of Harbans Singh @ Bhola are that petitioner along with his co-accused Gurupkar Singh @ Golu and Gurupdesh Singh @ Gora both brothers and the present petitioner along with Harvinder Singh @ Bhajan waylaid the complainant while he was coming to his house in Sanour from Patiala in bolero vehicle bearing No.PB11BD-3200 owned by one Ravinder Singh @ Doctor and at that time Gurupkar Singh @ Golu and

Gurupdes Singh @ Gora as well as the petitioner were armed with pistols and when the complainant tried to sped away the accused chased his vehicle in a figo car and fired three shots at him leading to registration of the case.

Learned State counsel has brought to the notice of this Court that the petitioner has already been declared a Proclaimed Offender in this case as well as in another case bearing FIR No.240 of 2015 under Section 307 etc IPC pertaining to Police Station Tripri and thus, the contentions of learned counsel for the petitioner, Mr.F.S. Virk that the petitioner has joined investigations in compliance of the orders of anticipatory bail dated 22.04.2016 are highly untenable when the petitioner had been declared as proclaimed offender by the learned Judicial Magistrate 1st Class, Patiala on 08.02.2016 and apparently the orders of interim bail appears to have been deceptively obtained by misleading the Court as even this fact has never been highlighted by the petitioner in his bail application. In the light of the same and the fact that the petitioner is a proclaimed offender and facing similar charges in another case registered against him disentitles him to any such relief. Finding no merit the present petition stands dismissed.

It would not be out of place to refer here that the Investigating Officer of this case in spite of there being specific orders in the interim orders dated 31.03.2016 in CRM-M No.10889 of 2016 has

failed to exercise his discretion apparently which is not a bona fide discharge of his duties.

Copy of this order be sent to the Senior Superintendent of Police concerned.

(FATEH DEEP SINGH)
JUDGE

August 4, 2016
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No