

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

CRM-M No. 14389 of 2016 (O&M)

Date of decision: 15.07.2016

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Sarika Gupta, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Gurdeep Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.275, dated 08.12.2008, registered under Section 323 read with Section 34 IPC, at Police Station Sadar, Hoshiarpur.

The learned counsel for the petitioner contends that the petitioner was abroad and lost his documents, therefore, he could not cause appearance before the competent Court. She further states that the petitioner remained under bona fide belief that a compromise has been reached in the matter.

On the other hand, the learned State counsel submits that the petitioner was declared proclaimed offender on 14.12.2010, after

following proper procedure. The petitioner has now come after he came to know that his co-accused have been acquitted.

Heard.

The factum of present FIR was well within the knowledge of the petitioner. He was earlier on bail by the competent Court and knowing fully, he went abroad. The assertion that the petitioner lost the relevant documents and in absence thereof, he could not come is not tenable. The petitioner prompted to come back only after his co-accused stands acquitted. Keeping in view the above, no case for grant of pre-arrest bail is made out.

Dismissed.

However, considering the fact that the complainant did not support the case of the prosecution and it is a case of version and cross version, in case the petitioner surrenders and filed bail application before the competent Court, the same shall be decided expeditiously.

15.07.2016

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(JITENDRA CHAUHAN)
JUDGE