

CRM-M No.21499 of 2016

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

Date of Decision : 17.08.2016

1) C.R.M-M No.21499 of 2016

Lakhjit Singh @ Kala

..... Petitioner

versus

State of Punjab

..... Respondent

2) C.R.M-M No.23726 of 2016

Lakhjit Singh @ Kala

..... Petitioner

versus

State of Punjab

..... Respondent

3) C.R.M-M No.9352 of 2016

Pukhraj Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Karan Bhardwaj, Advocate
for the petitioner (in CRM-M Nos.21499 & 23726 of 2016).

Mr. Amaninder Preet, Advocate
for the petitioner (in CRM-M-9352-2016)
for the complainant (in CRM-M-21499-2016)

Mr. K.S. Pannu, D.A.G., Punjab.

AJAY TEWARI, J. (Oral)

These are three inter-connected petitions which are being decided by the common order. For the sake of convenience the facts are being taken from CRM-M-21499-2016.

The petition bearing CRM-M-21499-2016 has been filed for grant of anticipatory bail to the petitioner Lakhjit Singh @ Kala in case FIR No.263 dated 21.12.2014 registered under Sections 307, 336, 506, 120-B, 148, 149 IPC and Sections 25, 27, 54, 59 of the Arms Act, at Police Station City Kotkapura.

The petition bearing CRM-M-23726-2016 has been filed for quashing of order dated 22.09.2015 by Lakhjit Singh @ Kala whereby he has been declared as proclaimed offender.

The petition bearing CRM-M-9352-2016 has been filed by the petitioner Pukhraj Singh, father of the complainant Loveraj Singh,

for transfer of investigation in case FIR No.218 dated 28.11.2015, registered under Sections 307, 364, 324, 323, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act, at Police Station City Kotkapura, District Faridkot to some independent agency.

As regards the first petition for anticipatory bail, the same was filed on 16.06.2016 and at that time learned counsel for the complainant had pointed out that the petitioner having been declared as proclaimed offender was not entitled to anticipatory bail, more so since in the petition he had intentionally not disclosed the fact that he had been declared as proclaimed offender. As regards the imputation that the petitioner had intentionally not disclosed this fact in this petition, the learned counsel for the complainant has asserted in the application for anticipatory bail filed before the Additional Sessions Judge, Faridkot it had been mentioned that the petitioner had been declared as proclaimed offender.

Learned counsel for the petitioner is not in a position to deny the fact that in the said application a categorical averment had been made that the petitioner had been declared as proclaimed offender and this fact was omitted in the present petition.

Learned Deputy Advocate General has also relied upon the

(2012) 8 SCC 730, where the Supreme Court has unequivocally held that a person who is declared as proclaimed offender can not seek the relief of anticipatory bail.

Keeping in view the dictum laid down by the Supreme Court in the aforesaid case and the act of the petitioner in not disclosing about important aspects, I dismiss this petition for anticipatory bail.

As regards the petition challenging the order declaring the petitioner as proclaimed offender, I dismiss that petition with liberty to him to challenge the order in the Revisional Court.

As regards the petition filed by the father of the complainant, I also dismiss the same in view of the affidavit of the SSP.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

August 17, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No