

CRM-M-22904 of 2016
DECIDED ON: JULY 13, 2016

.....PETITIONER

....RESPONDENT

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

Present: Mr. Karambir Singh Kahlon, Advocate
for the petitioner.

JASPAL SINGH, J

By virtue of this petition preferred under Section 438 Cr.P.C. petitioner-Bhag Singh has sought pre arrest bail feeling apprehension of his arrest in case FIR No. 7 dated January 19, 2010 under Sections 452, 324, 323, 326, 506, 148 and 149 IPC registered at Police Station Ghanie Ke Bangar, Police District Batala.

2. Undisputably, earlier bail application filed by petitioner and his co-accused was dismissed as withdrawn vide order dated March 05, 2010 passed in CRM No. M-6458 of 2010, which reads as under:-

“This petition has been filed under Section 438 Cr.P.C. for grant of bail to the petitioners in case FIR No. 7 dated January 19, 2010 under Sections 452, 324, 323, 326, 506, 148 and 149 IPC registered

with Police Station Ghanie Ke Bangar, District Batala.

Learned counsel want to withdraw the petition while contending that the petitioners would like to surrender and join investigation in accordance with law.

Dismissed as withdrawn.

In case the petitioners surrender within seven days from today and after police remand period (if any), if the petitioners apply for regular bail, the bail Court shall dispose of the application within a period of four working days”.

3. A glance at the afore-said order makes it crystal clear that petitioner opted to surrender and join the investigation in accordance with law. The concerned court was directed to dispose of the application for regular bail within a period of four working days. But in flagrant misuse of the afore-said order, petitioner neither surrender before the police/Court, nor applied for regular bail. Rather, he left for Delhi. Similarly, neither he cooperated with police as well Court nor he joined proceedings. He also could not be arrested by the police and thus, he was declared proclaimed offender vide order dated October 14, 2014, which is suggestive of the fact that he intentionally disobeyed the order passed by this Court. Such a person does not deserve any leniency in the matter of pre-arrest bail.

4. Dismissed.

JULY 13, 2016
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(JASPAL SINGH)
JUDGE