

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

CRM-M-23843-2016 (O&M)

Date of decision : 02.08.2016

Parveen Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sumeet Jain, Advocate,
for the petitioner.

Mr. Sarju Puri, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in complaint titled as 'Balbir Singh Vs. Parveen Kumar' bearing No.Coma/4983/2013 dated 29.08.2013, pending before the Judicial Magistrate 1st Class, SBS Nagar.

Learned counsel for the petitioner cites *Sanjay Chaturvedi Vs. State (Dehli), 2007(1) R.C.R. (Criminal) 822*, to contend that warrants of arrest could not have been issued against the petitioner as he had been regularly appearing before the trial Court through his counsel and thus, did not evade the process of the Court.

Heard.

A perusal of the impugned order reveals that the petitioner in

fact, never appeared before the Court in person. During the span of 2½ years, out of 21 dates, he sought exemption on 12 dates. On 02.01.2014, learned trial Court while observing that the petitioner was intentionally evading the process of the Court, ordered to serve him through bailable warrants. When the petitioner did not appear in pursuance of order dated 02.01.2014, only thereafter, non-bailable warrants were issued. Even after cancellation of his bail bonds on 19.11.2015, he did not appear on various dates i.e. 01.12.2015, 23.12.2015, 18.01.2016, 10.02.2016, 18.03.2016 and 08.04.2016. Ultimately, on 05.05.2015, the petitioner was declared proclaimed offender.

The ratio of the reported case shall not apply to the facts of the instant case. Moreover, Hon'ble the Supreme Court in the case of ***State of Madhya Pradesh v. Pardeep Sharma 2014 (1) R.C.R. (CrI) 269***, while setting aside an order granting bail to a proclaimed offender has made the following observation:

“In such serious offences, particularly, the respondents/accused being proclaimed offenders, we are unable to sustain the impugned orders of granting anticipatory bail. The High Court failed to appreciate that it is a settled position of law that where the accused has been declared as an absconder and has not cooperated with the investigation, he should not be granted anticipatory bail.”

From the record, it emerges that the petitioner has no respect for

the orders passed by the competent court. He has throughout intentionally evaded the process of the court. Accordingly, no case for bail is made out at this stage.

Dismissed.

02.08.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No