

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

**CRM-M-29165-2016
Date of decision-20.09.2016**

Ajay Hans

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Avtar Singh Khinda, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 438 of the Code of Criminal Procedure has been filed for the grant of anticipatory bail in FIR No.43 dated 15.07.2008 registered under Sections 452 and 323 read with Section 149 of the Indian Penal Code (in short 'IPC') at Police Station Dhilwan, District Kapurthala.

Learned counsel cites the judgment passed by this Court in *“Harbans Singh Gill Vs. State of Punjab”, 2008 (4) RCR (CrI) 447*, to contend that the co-accused, of the petitioner have been acquitted and the complainant did not support the case of the prosecution. The compromise between the parties has also been arrived. The petitioner is involved in another FIR wherein he has been admitted to bail.

Heard.

It is to be noticed that the petitioner remained proclaimed offender for more than four and a half years. Thus, he has clearly misused the concession of bail.

In State of Madhya Pradesh Vs. Pradeep Sharma, 2014 (1)

RCR (CrI.) 269, it was held that if a person is declared as an

absconder/proclaimed offender, he is not entitled to the relief of anticipatory bail. Therefore, no case for bail is made out.

Dismissed.

However, considering the fact that the co-accused have been acquitted and compromise has been reached between the parties, in case the petitioner surrenders before the trial Court within two weeks from today, the bail application will be decided expeditiously.

(JITENDRA CHAUHAN)
JUDGE

September 20, 2016
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No