

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-31727 of 2016

Date of Decision: September 8, 2016

Gurwinder Singh @ BT
Vs.

.....Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.B.S. Aulakh, Advocate for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of pre-arrest bail in a case which was registered at the instance of Jit Singh alleging that he was assaulted by members of unlawful assembly who were armed with different weapons.

Counsel for the petitioner claims that the petitioner is not named in the FIR, however, perusal of the order passed by the Court below indicates that the petitioner was allegedly armed with kirpan and he had raised a lalkara, pursuant to which his co-accused, members of unlawful assembly, had inflicted injuries on the person of complainant and others.

In the present case, challan had been presented against the co-accused on October 28, 2015. Before presentation of challan, attempts have been made to secure the presence of the petitioner by issuing warrants on October 11, 2015. Statement of the person who had implemented the proclamation was recorded on September 24, 2015. The petitioner appears to have not challenged the order declaring him proclaimed offender by filing any petition before any Court of law. He being a proclaimed offender cannot be presumed to be unaware of the proceedings qua his co-accused.

Counsel for the petitioner has expressed his ignorance about the evidence which is available on the record and gathered by the investigating agency during the course of investigation.

Taking into consideration the conduct of the petitioner, without expression of any opinion on merits, I am of the considered opinion that it is not a case of grant of pre-arrest bail to the petitioner, however, in case the petitioner surrenders before the Illaqa Magistrate by September 24, 2016 and moves an application for bail before the appropriate Court, besides challenging the order declaring him a proclaimed offender, his application for bail would be decided within a period of three days taking into consideration the nature of the allegations and prima facie evidence against him as the petitioner has expressed his desire to face trial along with his co-accused who have been challaned but no PW having yet been examined.

Disposed of with the above observations. It is made clear that in case the petitioner does not put in appearance before the Illaqa Magistrate on September 24, 2016, this petition will be deemed to have been dismissed.

It is also observed that on surrender before the Illaqa Magistrate, the order declaring the petitioner a proclaimed offender will automatically cease to exist as per law.

September 8, 2016
sanjay

(M.M.S.BEDI)
JUDGE

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