

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35438-2016 (O&M)

Date of decision : 20.10.2016

Shamsher Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Dr. Deepak Jindal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
assisted by HC Bir Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks anticipatory bail under Section 438 of the Code of Criminal Procedure, in FIR No.1008 dated 02.11.2014, registered under Sections 392, 394 and 302 of the Indian Penal Code, at P.S. City Karnal.

Contentends that the petitioner is neither named in the FIR, nor he was ever served before passing of order dated 05.12.2015 (Annexure P-1), whereby, he has been declared proclaimed offender. The co-accused stand acquitted vide judgment dated 17.09.2015.

On the other hand, learned State counsel states that the petitioner has been attributed stab injuries on the person of the deceased.

Heard.

In *State of MP Vs. Pradeep Sharma, 2014(1) RCR (Crl.) 269*, it has been held that an accused who is declared absconder/proclaimed offender and is not cooperating with the investigation should not be granted

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anticipatory bail.

Keeping in view the fact that the petitioner has been declared a proclaimed offender, no case for grant of bail is made out.

However, as the co-accused have been acquitted, it is therefore, ordered that in case, the petitioner surrenders before the trial Court within 10 days from today, his bail application, if any, be disposed of expeditiously.

20.10.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No