

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.43848 of 2015

Date of Decision:-06.01.2016

Harpal Singh.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Kamaljeet S. Mamrat, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Harpal Singh in Complaint Case No.32 dated 22.03.2002 for offences punishable under Sections 379, 424, 427, 453, 454, 457, 120-B of Indian Penal Code, Police Station Morinda, District Rupnagar.

It is contended that at the time when the petitioner was declared proclaimed offender vide order dated 13.12.2004, the petitioner had left for UAE on 28.09.2004. It is further submitted that rest of the co-accused have since been acquitted vide judgment dated 5.5.2010.

Counsel for the petitioner heard at length.

It is an admitted position that the dispute was regarding the breaking open of the shop in the possession of the tenant by the petitioner (landlord) and rest of the co-accused. They were also accused of

committing theft of the removed articles from the shop. It is also admitted fact that one of the other co-accused Devinder Preet Singh who faced trial is the real son of the petitioner. It is also conceded that the petitioner had returned on 7.3.2005 from UAE. Thus the petitioner was not only a permanent resident of the address, but was also throughout aware of the proceedings which he deliberately chose to stay away from the same. In view of the said facts, no indulgence can be shown.

In view of the above, finding no merit in the present petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

January 06, 2016
Vinay