

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

**CRM-M-44980-2016
Date of decision-16.12.2016**

Sandeep Kumar @ Vicky

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S.Sodhi, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 438 of the Criminal Procedure Code has been filed for grant of anticipatory bail to the petitioner in FIR No.11 dated 10.02.2010 registered under Sections 399 and 402 of the Indian Penal Code (in short 'IPC') and Sections 25 and 27 of Arms Act at Police Sadar, Phagwara District Kapurthala.

Learned counsel for the petitioner contends that the co-accused, namely, Harpreet Singh @ Happo, Randeep Kumar @ Monu and Sandeep Kumar @ Sasi stand acquitted vide judgment dated 29.02.2012 passed by learned Additional District Judge, Kapurthala. However, the petitioner at this stage could not afford any valid reason for his absence for more than five years.

In **State of M.P 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 anticipatory bail.

In the circumstances, no case for grant of anticipatory bail is made out.

However, considering the fact that all co-accused stand acquitted, it is ordered that in case the petitioner surrenders before the trial Court within two weeks and prefers an application for grant of regular bail, the same will be decided expeditiously.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

December 16, 2016

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