

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

CRM-M-21983 of 2017 (O&M)

Date of Decision: July 03, 2017

Balwinder Singh

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Kapil Khanna, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

This is the second petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in complaint case No.31044/2013 dated 28.10.2009 titled as Lakhwinder Kaur vs. Des Raj and others.

Counsel for the petitioner has been heard at length.

The previous petition preferred by the petitioner i.e.

CRM-M-171 of 2017, seeking concession of pre-arrest bail, was dismissed by this Court on 03.04.2017 in the following terms:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in private complaint titled as “Lakhwinder Kaur Vs. Des Raj and others” registered as case no.31044/2013 dated 28.10.2009 under sections 406, 420, 506 I.P.C. In the court of A.C.J.M. Jalandhar.

During the course of arguments it stands conceded that the petitioner already stands declared a Proclaimed Offender.

Counsel would seek to gain mileage from the

fact that co-accused having faced trial, have been acquitted.

In the considered view of this Court, there would be no parity in so far as the present petitioner is concerned, who has evaded trial proceedings as opposed to other co-accused, who have faced trial.

Petitioner by his conduct has disintitiled himself for the concession of pre-arrest bail.

Petition is dismissed."

The only change of circumstance cited by the counsel to justify the filing of the instant petition is that a compromise has since been effected with the complainant party.

In the considered view of this Court, there would be no occasion to entertain the instant petition a second time over for the same relief.

Concededly, the petitioner having evaded the process of law has been declared a proclaimed offender.

In spite of the previous petition having been dismissed on 03.04.2017 by this Court, the petitioner has chosen not to surrender.

Conduct of the petitioner disintitiles him from the concession of pre-arrest bail.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

03.07.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No