

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

**CRM No.M-2545 of 2017
Date of decision: 15.02.2017**

Krishan Kumar

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

REKHA MITTAL J. (Oral)

The petitioner prays for grant of bail in anticipation of arrest in a private complaint titled "*Kamaljeet Kaur vs Paramjit Kaur and others*" for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC').

Counsel for the petitioner would submit that 03 persons namely the petitioner, Shangara Singh his father and Vidya wife of Shangara Singh were arrayed as accused. Shangara Singh was discharged of the offence whereas Vidya was acquitted of the offence vide judgment dated 23.11.2011. It is further submitted that though the petitioner was declared as proclaimed offender but in view of the background that the accused who faced trial has been acquitted by the Court, the petitioner may be allowed to surrender before the Court below without suffering arrest. Another submission made by counsel is that name of the petitioner was not correctly mentioned in the complaint.

I have heard counsel for the petitioner and perused the

paperbook with the assistance rendered by counsel for the petitioner.

The petitioner was declared as proclaimed offender as his presence could not be secured by the trial Court. As mother of the petitioner faced the proceedings, he cannot possibly raise a plea that he was not aware of pendency of the proceeding before the Court. Mother of the petitioner would certainly be at a different footing then the petitioner himself being the husband of the complainant and under the circumstances, the petitioner cannot pray for grant of bail in anticipation of arrest who was declared as a proclaimed offender. Taking into consideration the facts and circumstances when examined in the light of judgment of Hon'ble the Supreme Court of India “*Lavesh vs. State (NCT of Delhi)*”, (2012) 8 SCC 730, the petitioner is not entitled to concession of pre-arrest bail.

Accordingly, the petition is dismissed.

(REKHA MITTAL)
JUDGE

15.02.2017
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No