

Sr. No.103

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-3851 of 2017 (O&M)

Date of Decision: 09.02.2017

Hardeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ajaivir Singh, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.4180 of 2017

Application is allowed, as prayed for.

Documents at Annexures P-8 (Colly.) and P-9 are taken on
record.

CRM No. M-3851 of 2017

This is the second petition preferred under Section 438 Cr.P.C.
seeking concession of anticipatory bail to the petitioner in case FIR No.10
dated 11.01.2009, under Section 380 of IPC, registered at Police Station
Division No.8, Jalandhar.

Pleadings on record would indicate that after registration of the
FIR, petitioner was granted concession of pre-arrest bail by this Court in
CRM No. M-35678 of 2009 and which was finally disposed of on
06.05.2010.

Petitioner thereafter having absented from the trial proceedings
stands declared as a proclaimed offender by the competent Court on

Learned counsel while pressing for relief sought for in the present petition would submit that the intent of the petitioner was not to evade trial proceedings. It is only on account of the fact that wife of the petitioner was pregnant and the expected date of delivery was in the month of September, 2016 and she being anaemic, petitioner had proceeded to England on 02.03.2016 and had thereafter returned on 17.04.2016. Counsel fairly states that thereafter the petitioner again proceeded abroad on 05.05.2016 and returned back to India on 28.11.2016. In support of such submission, counsel has even adverted to the documents placed on record at Annexure P-8 (colly.). It further submitted that the co-accused already stand acquitted and under such circumstances, this Court may show indulgence towards the petitioner and grant him ad interim protection as regards arrest so as to facilitate his joining the trial proceedings.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is not inclined to extend in favour of the petitioner the concession of anticipatory bail.

Concededly, the petitioner has been declared a proclaimed offender on 01.07.2016. Till date no challenge has been raised to the order declaring the petitioner as a proclaimed offender. That apart, it is also the conceded position that the petitioner even though having been granted the concession of anticipatory bail by this Court in CRM No. M-35678 of 2009 had chosen to proceed abroad on two separate occasions i.e. 02.03.2016 and 05.05.2016 and without even seeking permission from the competent Court.

Counsel has even referred to an application placed on record at Annexure P-3 but a perusal of the same would reveal that the prayer made therein was only towards seeking preponement of the date fixed in the trial

Court and for exemption of personal appearance.

The conduct of the petitioner dis-entitles him from the concession of pre-arrest bail.

Petition is dismissed.

09.02.2017
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No