

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

**CRM-M-40957-2017
Date of decision-06.11.2017**

Gurnam Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Liaqat Ali, 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.27 dated 13.04.2012 registered under Sections 354, 323, 506 and 148 read with Section 149 of the Indian Penal Code (in short 'IPC') at Police Station Bilga, District Jalandhar City.

Learned counsel for the petitioner contends that the petitioner is a senior citizen and residing in USA. He further contends that the petitioner has been regularly appearing before the trial Court but due to ill health of the petitioner and his wife's illness he could not appear before the trial Court after 2015 and accordingly, petitioner was declared a proclaimed offender vide order dated 21.08.2012.

Heard.

Notice of motion.

At the asking of the Court, Ms. Gulnoor Ghuman, AAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned counsel, in the Court.

The petitioner is a proclaimed offender, therefore, no case for anticipatory bail is made out.

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.

However, considering the fact that the co-accused with the similar allegations stand acquitted by the learned Court of Additional Sessions Judge, Jalandhar and the petitioner is 85 year old, it is ordered that in case the petitioner surrenders before the competent Court within two weeks from today, he be admitted to bail, on his furnishing adequate bail bonds/surety bonds, to its satisfaction.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

06.11.2017
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No