

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

GURDEEP SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

2.

CRM-M-35224 OF 2017

GURDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Manoj Bajaj, Addl. AG, Punjab.

Vide this common, I intend to dispose of two petitions i.e. CRM No. M-40993 of 2017 whereby, petitioner has sought pre arrest bail in case bearing FIR No. 103, dated 18.11.2012, under Sections 307, 452, 427, 148, 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Khilchian Amritsar

Rural, District Amritsar and CRM No. M-35224 of 2017 whereby, petitioner has challenged the order dated June 14, 2017 (P-4) vide which he has been declared P.O.

2. Undisputably, petitioner was granted the concession of bail under Section 167(2) Cr.P.C. on account of non submission of report under Section 173(2) Cr.P.C within a prescribed period of limitation. Subsequently, petitioner could not appear before the trial Court on April 06, 2017, as a result of which, his bail order was cancelled and he was ordered to be summoned through non-bailable warrants of arrest. Ultimately, he was declared proclaimed offender vide impugned order (P-4).

3. Here, it would be pertinent to mention that when the petitioner was declared P.O., the court was already seized of the matter with regard to his pre-arrest bail and the investigating agency/prosecution was also well within its knowledge. Thus, when the petitioner has already sought pre-arrest bail and moved an appropriate petition for the said purpose, declaring him as P.O. is not justified.

4. In the facts and circumstances narrated above, this Court is of the considered view that declaring the petitioner as P.O. is not justifiable. As such, order dated June 14, 2017 (P-4) is set aside by way of acceptance of CRM No. M-35224 of 2017.

5. As far as the grant of bail is concerned, earlier petitioner was granted the concession of bail under Section 167(2) Cr.P.C. and if on one date he could not appear, it does not mean that he had an intention to flee away from justice or to abscond.

6. Accordingly, petition bearing CRM No. M-40093 of 2017 is allowed and petitioner is ordered to be released on bail to the satisfaction of learned trial Court/CJM.. However, petitioner is directed to appear before the trial Court/CJM on 19.12.2017 i.e. the date fixed before the trial Court.

DECEMBER 14, 2017
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>