

CRM-M-42655-2016 (O & M)

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

CRM-M-42655-2016 (O & M)

Date of Decision: 14.03.2017

Ajit Singh

... Petitioner

Versus

Karam Singh and another

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Raju Arora, Advocate,
for the petitioner.

Mr. Govinder Singh Brar, Advocate,
for respondent No.1.

Mr. Deep Singh, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Ajit Singh has filed this petition under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in private complaint case No.COMI/0000893 of 2013 dated 12.04.2013, under Section 420 of the Indian Penal Code.

Notice of motion was issued. Respondent No.1 appeared through his counsel and learned State counsel also put in appearance on behalf of respondent No.2-State. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

CRM-M-42655-2016 (O & M)

From the record, I find that it is a complaint case and summoning order has been passed in this case. Learned counsel for the petitioner stated that the petitioner filed application for anticipatory bail before the Court of Session on 21.10.2016. During the pendency of anticipatory bail application of the petitioner before the Court of Session, he was declared proclaimed offender and vide order dated 17.11.2016, learned Additional Sessions Judge, Fatehgarh Sahib dismissed the application for anticipatory bail on the ground that the petitioner has been declared proclaimed offender.

From the record, I find that the petitioner is not required for custodial interrogation, it being a complaint case and he has simply to face the trial. Furthermore, he did not abscond from the process of law, rather was availing his remedy for bail before the Court of Session and during the pendency of the same, he was declared proclaimed offender. Therefore, in these circumstances, it cannot be held that the petitioner avoided his arrest.

Keeping in view the facts and circumstances of the present case, I find that no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. The petitioner is directed to surrender before learned trial Court within 15 days and on doing so, he shall be released on bail by learned trial Court to its satisfaction.

14.03.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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