

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

CRM-M-557-2017

Date of decision-12.01.2017

Gurbhej Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. L.S.Sidhu, 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 complaint No.384-I dated 10.11.2009 titled as “Arvinder Singh Vs. Gurdev Singh etc.” registered under Sections 302, 307, 427, 435 and 148 read with Section 149 of the Indian Penal Code (in short 'IPC') and Sections 25 and 27 of Arms Act at Police Station Mamdot, District Ferozepur which is pending in the Court of Addl.Sessions Judge Ferozepur.

Learned counsel contends that though the petitioner is named in the FIR, however, during the investigation no incriminating evidence could be collected against him. Accordingly, the petitioner was kept in column No.2. The petitioner was under *bona fide* belief that he is not required in the matter so he shifted to the State of Madhya Pradesh along with his family and thereafter, he never visited the place. During the pendency of the FIR case, with regard to the same incident a fresh complaint was moved by the complainant wherein the petitioner was ordered to be summoned and subsequently was declared a proclaimed offender for his not having caused

representation before the Court. He states that the petitioner was never served before passing the order of proclamation dated 06.09.2011.

I have heard learned counsel for the petitioner and have gone through the case file.

The statement of the petitioner cannot be accepted as the petitioner fully knew that he has been kept in column No.2 and could be summoned subsequently.

Considering the long period of evading process of the Court by the petitioner no case for grant of anticipatory bail is made out.

However, it is ordered that in case the petitioner surrenders before the trial Court within two weeks and prefers an application for grant of regular bail, the same will be decided expeditiously.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

January 12, 2017

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