

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

Sr. No.101

CRM-M No.8839 of 2017

Date of decision: 16.03.2017

Jasvir Singh @ Jassa

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.C. Sabharwal, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short the 'Code') for grant of anticipatory bail to the petitioner in FIR No.152, dated 15.06.2014, registered under Sections 379, 411 IPC and 21 Mines and Minerals (Development of Regulation) Act, 1957, at Police Station Kotwali Faridkot, District Faridkot.

The undisputed facts are that in the FIR in question, the petitioner had earlier applied for anticipatory bail which was granted on 05.08.2014. However, on 27.05.2015, the petitioner failed to appear before the trial Court which led to cancellation of the bail and issuance of warrants against him on the happening of which event the petitioner approached the Sessions Court under Section 438 of the Code again seeking anticipatory bail which through order dated 29.09.2015 was granted subject to the petitioner furnishing personal bonds in the sum of ₹50,000/- alongwith one surety of the like amount each to the satisfaction of the trial Court/Duty

Magistrate within a period of 10 days from the date of the order. The petitioner neither furnished the personal bonds nor submitted the surety bonds. He also failed to appear before the trial Court for about a year and a half thereafter due to which the trial Court, after following the procedure prescribed by law, through order dated 15.10.2016, declared him a proclaimed offender. Thereafter, another petition was filed by the petitioner before the Sessions Court for the grant of anticipatory bail which was dismissed through order dated 12.01.2017, giving a cause to the petitioner to approach this Court through the present petition.

Learned counsel for the petitioner submits that the petitioner is ready to appear before the trial Court but only if he is granted protection to the effect that he would not be taken into custody.

In view of the impunity with which the petitioner has evaded the process of law, I am not inclined to agree with the submission made by learned counsel for the petitioner.

On an earlier occasion, the petitioner misused the concession of anticipatory bail granted to him by not appearing before the trial Court on 27.05.2015. Even after that when the Sessions Court through order dated 29.09.2015 granted him the concession of anticipatory bail, the petitioner absconded for about year and a half, showing scant respect for the process of law. In the meanwhile, the trial Court rightly declared the petitioner as a proclaimed offender.

In view of the above, the petitioner is not entitled to the grant of anticipatory bail.

Dismissed.

Nothing observed herein above shall be considered to be an expression of opinion by this Court on the merits of the case.

(DEEPAK SIBAL)
JUDGE

March 16, 2017
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- (i) Whether speaking/reasoned Yes/No*
- (ii) Whether reportable Yes/No*