

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 20952 of 2018 (O&M)

Date of decision : 18.5.2018

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Surinder Arjan

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Jashandeep Singh, Advocate for the petitioner.

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H. S. Madaan, J.

This is 4th petition for pre-arrest bail by petitioner Surinder Arjan, an accused in FIR No. 103 dated 18.7.2007, for offences under Sections 406, 420, 465, 467, 468, 471, 380, 120-B IPC, registered at Police Station 'D' Division, District Amritsar, who has been declared as proclaimed offender in this case and his earlier petitions for pre-arrest bail having been dismissed by this Court.

He seeks pre-arrest bail to enable him to appear in the Court below to put up his case in respect of the cancellation report. It is contended that a Commission set up by the Punjab Government headed by Hon'ble Mr. Justice Mehtab Singh Gill (Retired), has found the FIR registered against the petitioner to be politically motivated and police had submitted a cancellation report under Section 173 (8) Cr.P.C. in the Court and the Illaqa Magistrate, Amritsar, had sent notice to the petitioner to appear there. The

petitioner apprehends his arrest by the police on his appearance in the Court of Illaqa Magistrate, Amritsar. He had moved an application for pre-arrest bail, before the Court of Sessions, which was assigned to the Additional Sessions Judge, Amritsar, who dismissed that petition vide order dated 2.4.2018 with the observations that when a cancellation report has been filed before the Illaqa Magistrate, who has not taken cognizance of the offence and rather issued notice to the complainant, then there could not be any apprehension of arrest of the applicant. Therefore, the application is not maintainable, as such the same was dismissed.

Feeling aggrieved, the petitioner has knocked at the door of this Court by way of filing the present petition for grant of pre-arrest bail.

I have heard learned counsel for the petitioner, besides going through the record and I am in agreement with the observations made by the learned Additional Sessions Judge, Amritsar. Furthermore, this petition is not maintainable since as observed by the Apex Court in citation *State of Madhya Pradesh vs. Pradeep Sharma 2014 (2) RCR (Criminal) 269*, an absconder/proclaimed offender, in terms of Section 82 Cr.P.C. is not entitled to the discretionary relief of pre-arrest bail.

Therefore, the petition is doomed for failure and is dismissed accordingly.

(**H.S. Madaan**)
Judge

18.5.2018
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Whether speaking / reasoned
Whether reportable

Yes/ No
Yes/ No