

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

**CRM-M-35923-2018
Date of decision-30.08.2018**

Surmudin @ Surmu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.N.S.Mahal, 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 FIR No.131 dated 27.08.2012 registered under Section 376 read with Section 34 of the Indian Penal Code (in short 'IPC') at Police Station Bullowal, District Hoshiarpur.

Contends that the prosecution witness did not support the case of the prosecution, therefore, the co-accused, namely, Mohammad Ali @ Rafi had been acquitted vide judgment dated 21.02.2018 (Annexure P-4).

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

This is a second bail petition. The first petition for grant of anticipatory bail was dismissed, vide order dated 24.07.2013. The petitioner is a proclaimed offender and the FIR was registered on 27.08.2012. He has successfully evaded the process of the Court. The petitioner cannot be allowed any benefit of acquittal of the co-accused as the acquittal has been earned after facing the trial whereas the petitioner is a proclaimed offender.

Otherwise also this is the second bail petition of the petitioner. There is no fresh circumstance in favour of the petitioner.

In *State of M.P Vs. Pradeep Sharma 2014 (1) RCR (Crl) 269*, it has been held that an accused who is declared absconder/proclaimed offender and is not cooperating with the investigation should not be granted anticipatory bail.

This Court feels that it is a fit case where custodial interrogation of the petitioner is required to unearth the truth.

Consequently, the bail petition stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

30.08.2018
vanita

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