

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

**CRM-M-38298-2018
Date of decision-20.09.2018**

Pankaj Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S.Randhawa, Advocate for
Mr. S.S.Gill, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

This second petition under Section 438 of the Criminal Procedure Code has been filed for grant of anticipatory bail to the petitioner in FIR No.235 dated 12.09.2013 registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chheharta, District Amritsar.

Contentends that the petitioner has been falsely implicated in the present case. Further he contends that the petitioner had been regularly appearing before the trial Court, however, he could not appear on a solitary date i.e.02.04.2018 due to strike and 'Bandh' called by various organizations. The absence of the petitioner from the process of the Court was neither intentional nor wilful.

I have heard learned counsel appearing on behalf of the petitioner and have gone through the case file.

It is to be noticed that petitioner was declared as a proclaimed offender by the learned trial Court vide order dated 29.05.2018 (Annexure P-

3). 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 should not be granted anticipatory bail.

In the circumstances, no case for grant of anticipatory bail is made out at this stage.

Dismissed.

However, considering the fact that the petitioner was admitted to bail and the absence is stated to be due to the 'Bandh' call given by certain organizations, it is ordered that in case the petitioner surrenders before the trial Court within two weeks from today and prefers an application for grant of bail, the same will be decided expeditiously.

(JITENDRA CHAUHAN)
JUDGE

20.09.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No