

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

**CRM-M-45564-2018
Date of decision-15.10.2018**

Deepak

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S.Sewak, 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.881 dated 06.12.2015 registered under Sections 302, 307 and 285 read with Section 34 of Indian Penal Code and Section 25 of Arms Act, 1959 at Police Station City Ballabgarh, District Faridabad.

Contents that the petitioner is not named in the FIR. Earlier the bail petition filed by the petitioner was rejected on the ground that the petitioner is involved in another FIR wherein he has been acquitted. He states that 15 prosecution witnesses have been examined and no incriminating evidence has come against the petitioner including in the testimony of the alleged eyewitness.

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

Earlier, the bail petition filed by the petitioner was dismissed vide order dated 11.11.2016. The petitioner has neither chosen to assail the order passed in bail petition nor till date he has surrendered to the

jurisdiction of the Court. As claimed by him, he has not been declared proclaimed offender.

Considering the fact that the petitioner has not surrendered after the dismissal of the bail application, no lenient view can be taken in the matter. Therefore, no case for grant of anticipatory bail is made out at this stage.

Dismissed.

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

(JITENDRA CHAUHAN)
JUDGE

15.10.2018
vanita

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