

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

CRM-M-680-2019

Date of decision-10.01.2019

Sarabjit Lal @ Sabhi

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajiv Joshi, Advocate for the petitioner.

MANOJ BAJAJ, J.

Sarabjit Lal @ Sabhi has filed this petition under Section 438 of Code of Criminal Procedure (for short 'Cr.P.C') for grant of pre-arrest bail in case FIR No.50 dated 27.04.2006 under Sections 452, 341, 323, 325 and 148 read with Section 149 registered at Police Station Nurmahal District Jalandhar.

It is pleaded in the petition that earlier petitioner was granted regular bail and thereafter, he regularly attended the trial until the year 2009, when he went abroad to improve his financial status. It needs to be noted here that in the petition it is maintained by the petitioner that he is residing in Philippines and the affidavit in support of the petition is also allegedly attested at Binan City, Laguna.

On account of absence of the petitioner, the trial Court was compelled to initiate coercive steps to secure his presence and resultantly his bail was cancelled on 08.04.2009. The petitioner was declared as a

proclaimed offender on 30.10.2009. (Annexure P-6).

Learned counsel for the petitioner has been heard and I have gone through the paper-book with his assistance.

Considering the conduct of the petitioner, who without seeking any permission from the Court absented from the trial proceedings and continued to remain away from the trial for a long period of approximately nine years, therefore, he cannot maintain the petition under Section 438 Cr.P.C for grant of anticipatory bail. The orders of cancellation of bail and declaring him proclaimed offender are justified in the present facts and circumstances. This Court is of the opinion that appropriate remedy for the petitioner is to surrender before the Court and join the proceedings in case FIR No.50 dated 27.04.2006. No ground for grant of anticipatory bail is made out.

Consequently, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

10.01.2019

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