

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

CRM-M-464-2020 (O&M)
Date of Decision:- 9.1.2020

Daljit Singh @ Kaka

... Petitioner

Versus

State of Punjab and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarju Puri, Advocate for the petitioner.

GURVINDER SINGH GILL, J.

1. The petitioner Daljit Singh @ Kaka has approached this Court seeking grant of anticipatory bail in respect of a criminal complaint No.35/1 of 2002.
2. The aforesaid complaint had been instituted by complainant Gurdial Singh wherein the present petitioner along with other accused had been summoned for allegedly having committed offences under Section 323/149, 148 IPC. Although, the petitioner had initially associated with the proceedings of the trial and had been appearing before the Trial Court for about 4-5 years but subsequently, he absented from the proceedings of the trial on 20.3.2007 and despite issuance of bailable and non-bailable warrants, his presence could not be secured and consequently, proclamation proceedings were initiated and ultimately, he was declared as proclaimed offender vide order dated 16.7.2007.
3. The learned counsel for the petitioner has submitted that it is a case of abuse of process of law inasmuch as a false complaint had been instituted by the complainant and that the falsity of the case would be evident from the fact

that all other co-accused who had faced trial were ultimately acquitted by learned SDJM, Nawanshahr vide judgment dated 13.8.2007.

4. I have considered aforesaid submission addressed before this Court. The fact that co-accused have since been acquitted will not entitle grant of anticipatory bail to the petitioner from whose conduct it is evident that he had chosen to flee away from justice having put in appearance before the trial Court and now after 12 years of his absence has chosen to seek anticipatory bail. The aforesaid conduct does not warrant grant of anticipatory bail.
5. The petition, as such, is found to be sans merits and is hereby dismissed. However, in case the petitioner chooses to surrender before the trial Court within two weeks from today and moves an application for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously while bearing in mind all the facts and circumstances of the case, including the fact that the case against co-accused could not be substantiated.

9.1.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No