

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

**Criminal Misc. No. M-20266 of 2020
Date of decision: 28.07.2020**

Gurwinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Manmeet Singh Rana, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This is the second petition filed under Section 438 Cr.P.C. For grant of anticipatory bail to the petitioner in case FIR No.379 dated 12.12.2017 registered under Section 420 IPC at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. Non-bailable warrants have been issued against him but he has not been declared proclaimed offender. Earlier the petitioner filed CRM-M No.22679 of 2018 wherein interim bail was granted and the same was made absolute on 04.10.2018. Learned counsel further submits that challan was presented at the back of the petitioner on 14.02.2019 and thereafter, non-bailable warrants have been issued. The petitioner is ready to join the Court proceedings.

Learned State counsel on instructions from ASI Amarjeet Singh submits that the petitioner is not entitled for anticipatory bail as he has not only misused the concession of anticipatory bail but without having any permission from the Court, he has left the country. Learned State counsel

further submits that the case is fixed for framing of charges on 20.08.2020 before the trial Court.

Heard arguments of learned counsel for the parties. I have also perused the documents available on the file.

Admittedly, the petitioner was granted interim bail, which was made absolute. The petitioner left the country without taking any permission from the Court and without bringing it to the notice of Investigating Officer. Subsequently this petition has been moved as non-bailable warrants have been issued against the petitioner. The case is fixed for framing of charges on 20.08.2020 before the trial Court.

By considering the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has misused the concession of bail as without seeking any permission from the Court, he went abroad and not only the investigation but the Court proceedings have also been delayed due to conduct of the petitioner. The present petition is, therefore, dismissed.

However, in case, the petitioner surrenders before the trial Court within a period of one week from the date of receipt of certified copy of this order and moves an application for grant of regular bail, the trial Court is directed to consider and decide the same in accordance with law within a period of two weeks thereafter.

28.07.2020
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No