

**(205) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-717-2021
Date of Decision:11.02.2021**

Rahul Ghai

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. H.S. Batth, Advocate
for the petitioner.

Ms. Bhavna Gupta, D.A.G. Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for grant of anticipatory bail in case FIR No.135 dated 30.09.2017 registered under Sections 61 of the Punjab Excise Act, 1914 at Police Station Sadar Phagwara, District Kapurthala.

Learned counsel for the petitioner herein would contend that in fact the petitioner was on bail as allowed by the police in a sum of Rs.20,000/- with one surety in the like amount. However, the petitioner was never served with any notice of prosecution of the challan and therefore, he never appeared before the Court. He was declared as proclaimed offender by the trial Court on 6.4.2019. It is contended that he is ready to face trial under the said FIR and since the recovery of liquor has already been effected from him under the said FIR, his custody would no longer be required for any purpose.

A reply has been filed through whatsapp group by the learned counsel appearing on behalf of the respondent-State. Learned State counsel

argues that challan in the present case was presented before the trial Court on 28.9.2018. The petitioner had been admitted to bail by the police in the sum of Rs.20,000/- with one surety in the like amount. However, despite giving several opportunities to the petitioner to furnish solid surety before the Court, he was unable to do so. Eventually, his bail was cancelled by an order dated 1.10.2018 and subsequently he was declared as proclaimed offender by the trial Court on 6.4.2019. It is also argued that petitioner herein is an habitual offender and five other cases are registered against him and out of which, three FIRs are subsequent to the present FIR. Therefore, the petitioner is not entitled to grant of anticipatory bail.

I have heard learned counsel for the parties and perused the paper-book.

It is admitted that the petitioner who had been allowed bail by the police failed to furnish adequate surety and subsequently failed to put in appearance before the trial Court on the dates fixed, therefore, he was eventually declared as proclaimed offender by an order dated 6.4.2019. As per the reply filed, he indulged in similar activities and 5 FIRs have been registered against him. This Court is not inclined to accept his prayer for grant of anticipatory bail.

Faced with this, learned counsel for the petitioner prays that the petitioner would surrender before the trial Court within a week and will move an application for grant of regular bail. He further prays that the trial Court may be directed to consider his bail application in a time bound manner.

In view of the above, this petition is disposed of with a direction to the trial Court that in case the petitioner surrenders and moves

an application for regular bail within a week from today, his bail application will be considered within a week thereafter.

11.02.2021
rajeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No