

CRM-M-9178-2021

Date of Decision : 26.02.2021

Kulvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Dr. Surinder Singh Joshi, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.206 dated 09.09.2009, registered under Sections 302, 148, 149, 120-B of IPC, at Police Station Sadar Rajpura, District Patiala.
3. At the outset, Mr. Hittan Nehra, Addl. A.G. Punjab has brought it to the notice of the Court that the petitioner was declared a proclaimed person under Section 82 Cr.P.C.
4. Learned counsel for the petitioner concedes that the petitioner was declared proclaimed person under Section 82 Cr.P.C. in the year 2012 and has not been arrested till date.
5. In view of the position noted above, the petitioner is not entitled to grant of pre-arrest bail in view of the decision of Hon'ble the Supreme Court in **Lavesh Vs. NCT, Delhi, 2013 (4) RCR Criminal 240**. Relevant extract of the same is reproduced below:-

“From these materials and information, it is clear that the present appellant was not available for interrogation and

investigation and declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code is not entitled the relief of anticipatory bail.”

6. Faced with the aforementioned situation, learned counsel for the petitioner prays for permission to withdraw the instant petition with liberty to take out appropriate proceedings before the learned trial Court in accordance with law otherwise than by way of petition under Section 438 Cr.P.C.

7. In view of the position as noted above as well as statement of learned counsel for the petitioner, the petition under Section 438 Cr.P.C. is dismissed as withdrawn with the liberty as prayed for.

(B.S. Walia)
Judge

February 23, 2021
ps

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