

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

CRM-M No.18654 of 2021 (O&M)

DATE OF DECISION: 12.05.2021

Gurjant Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sham Lal Bhalla, Advocate for the petitioner
Ms. Bhavna Gupta, DAG Punjab

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.314 dated 09.11.2018 under Section 21 of the Mines & Minerals Act, 1957 read with Sections 379, 420, 467, 468, 471 of the Indian Penal Code, 1860 (IPC) registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner would contend that the petitioner is innocent and he has falsely been implicated in the present case. The learned counsel further contends that the petitioner has no role in the commission of the alleged crime because the petitioner had not entered into any contract with the Mines Department. The learned counsel further relies upon an order dated 28.01.2020 passed by this Court in the case of a co-accused being CRM-M-1173 of 2020 to contend that the co-accused has been granted the concession of anticipatory bail.

Ms. Bhavna Gupta, DAG Punjab, appearing on behalf of the respondent-State of Punjab, on instructions from ASI Gurnam Singh, states

that the petitioner was named in the FIR and has been evading arrest since 09.11.2018. The anticipatory bail application filed by the petitioner was dismissed on 16.07.2020 and thereafter proceedings for declaring him a Proclaimed Offender were initiated and proclamation was made on 18.04.2021. It was only after the proclamation was made for declaring the petitioner a Proclaimed Offender on 18.04.2021 that the present petition for anticipatory bail has been filed before this Court. The learned State counsel has further pointed out that the said fact regarding the proclamation having been made qua the petitioner has been concealed from this Court and not a word qua the same has been mentioned in the petition. The learned State counsel further states that the FIR now remains under Section 21 of the Mines & Minerals Act, 1957 and Section 379 IPC.

I have heard the learned counsel for the parties.

The FIR in the present case was registered on 09.11.2018 and the petitioner was specifically named in the FIR. The petitioner has been evading arrest and chose not to approach the Court for the grant of anticipatory bail immediately. It was only after proclamation has been made that the petitioner has filed the present petition before this Court for grant of anticipatory bail. Keeping in mind the nature of allegations and the fact that the petitioner has been evading arrest since November, 2018, I do not find this case to be a fit case for grant of anticipatory bail.

Dismissed.

**(ALKA SARIN)
JUDGE**

12.05.2021
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO