

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.101

CRM-M No.25809 of 2021

Date of Decision: 13th August, 2021.

Balbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. M.D.Khan, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein seeks the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.37 dated 18.02.2013 registered at Police Station Dhaka, Ludhiana, District Ludhiana, under Sections 302 and 201 read with Section 34 IPC.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioner contracted the second marriage while staying in Germany and his first wife, who was residing in India, went missing along-with their daughter and the petitioner as well as his co-accused were suspected of having murdered his (petitioner's) first wife Harpal Kaur and having disposed of her dead body.

Ms. Samina Dhir, learned Deputy Advocate General, Punjab, has joined the proceedings in this case in pursuance of the copy of this petition having been sent to the respondent-State in advance.

I have heard learned counsel for the petitioner as well as

learned State counsel in this petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has been residing in Germany for the last almost four decades and he has been falsely implicated in this case and he has been declared proclaimed offender during his absence in India and moreover, he is ready to join in the investigation as and when so required and in these circumstances, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that vide order Annexure P-4, the petitioner had been given an opportunity by this Court earlier also to surrender before the trial court on or before 03.03.2015 but he failed to comply with the same and even otherwise, he has been declared a proclaimed offender in the case in hand and it being so, the present petition deserves dismissal.

The subject FIR was registered long back in the year 2013 and the petitioner was declared proclaimed offender vide the order dated 27.07.2013. Thereafter, he moved a petition bearing CRM-M No.3479 of 2015 before this Court with a prayer for quashing the said order and in the order Annexure P-4, passed therein, it was observed that in case, he (petitioner) surrendered before the trial Court on or before 03.03.2015, his application for bail, if any, would be decided by the trial court in accordance with law within one week. Concededly, the petitioner did not comply with the afore-said order and now, he has moved the instant petition after more than six years to seek the relief of anticipatory bail. It

has been held by the Apex Court in “State of M.P. vs. Pradeep Sharma. 2014(1) RCR(Criminal) 269, that “*if the accused is absconding and is declared proclaimed offender, he should not be granted the anticipatory bail.*” The present case squarely falls within the four corners of the afore-cited observations and in the light thereof, it is explicit that the petitioner does not deserve the relief, as prayed for, in this petition.

As a sequel to the fore-going discussion, it follows that the present petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

13.08.2021.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No