

CRM-M-27495-2021

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

CRM-M-27495-2021

Date of decision: 19.07.2021

Mohan Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naresh Kumar Manchanda, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.195 dated 10.08.2002, registered at Police Station Shahkot, District Jalandhar, under Section 15 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was indicted in the present case on the basis of a confessional statement of co-accused, Parveen Kumar, who named one Mohan Singh @ Mohna. As a matter of fact, the petitioner has been implicated for the reason that his name is also Mohan Singh. He further contends that the petitioner has wrongly been declared a proclaimed offender and he had never resided at the address given in the police record.

I have heard the learned counsel for the petitioner and gone through the record.

Perusal of the record would reveal that the above-noted FIR pertains to year 2002 and the petitioner was declared a proclaimed offender, vide order dated on 01.09.2003. The said order has neither been

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challenged in the present petition nor has been set aside yet. The petitioner, seeking anticipatory bail, approached the Court of Session in 2019 i.e. after a period of 16 years of his declaration as proclaimed offender. Now he has approached this Court after a period of one and half years of passing of the impugned order dated 27.09.2019 by the learned Additional Sessions Judge, Jalandhar.

For the sake of arguments, if it is assumed that the petitioner had no knowledge with regard to the passing of the order dated 01.09.2003, declaring him a proclaimed offender, even then he has approached this Court after a period of one and half years of passing of the impugned order dated 27.09.2019.

It is true that the anticipatory bail relief can be sought by and granted to a person apprehending arrest until he is actually arrested. But in my opinion, a proclaimed offender for a period of more than 17-year, like the petitioner, cannot claim such a relief. If the relief as sought in the petition is allowed to the petitioner, he may misuse the concession of bail and when caught out, he would again throw himself at the mercy of the court.

In my view, in cases like this, the petitioner-accused in default may not be granted the concession of bail.

Therefore, finding no merit in the present petition, the same is dismissed.

19.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No