

CRM-M-34722-2021

Date of Decision: 25.08.2021

Balkar Singh @ Babu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.K. Bagga, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 171 having been registered at Police Station Jhabhal, District Tarn Taran, on 09.11.2013, alleging therein the commission of offences punishable under the provisions of Sections 323/325/452/34 of the IPC. He further seeks the setting aside of the '*zimini*' order dated 06.07.2019, passed by the learned Chief Judicial Magistrate, Tarn Taran (copy Annexure P-2), by which the petitioner has been declared to be a proclaimed offender.

Learned counsel for the petitioner submits that as regards the FIR registered, the petitioner was already facing trial and has been admitted to bail and with the trial at its fag end, there would be no reason to deny him 'pre-arrest' bail presently.

However *de hors* any merits as regards the FIR registered, in question, even though no FIR has been registered under the provisions of

Section 174-A of the IPC, but with the petitioner having been declared to be a proclaimed offender (more correctly perhaps a proclaimed person), he not having faced the final stage of the trial for the past 02 years now, I see no reason to entertain this petition filed under the provisions of Section 438 of the Cr.P.C, which is consequently dismissed.

However, upon the petitioner surrendering before the trial court and being arrested, if he files any petition under the provisions of Section 439 of the Cr.P.C., that would be considered and decided on its own merits very expeditiously.

August 25, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.