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

CRM-M-32784-2021 (O&M)

Date of decision-20.01.2022

Shokat Ali @ Shoki

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

CRM-1928-2022

This application is for placing on record documents Annexure P-6 to P-8.

Application is allowed and documents Annexure P-6 to P-8 annexed with the application, are taken on record.

CRM-M-32784-2021

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in a case FIR No.233, dated 20.09.2020 registered for offence under Sections 363, 365, 376-D and 506 of Indian Penal Code, 1860 (Section

366, 366-A of IPC, 1860 added later on), at Police Station Shri Hargobindpur, District Gurdaspur.

It has been contended that arrest of the petitioner was stayed on 13.08.2021 by the Coordinate Bench of this Court and the case was adjourned for 19.1.2022. The counsel for the petitioner submits that the challan was presented against 3 of the accused and the prosecutrix during the trial has turned hostile.

On the other hand, learned State counsel submits that in all there are 8 accused, out of which challan is presented against 3 of the accused and the trial is pending qua them. Out of the rest of 5 co-accused, 4 were declared proclaimed offender by the competent Court of jurisdiction on 24.8.2021 and as the arrest of petitioner was stayed by this Court on 13.8.2021, hence, petitioner could not be declared proclaimed offender. However, P.O. proceedings on that day were already going on against him.

From the reading of the interim order dated 13.8.2021, it is apparent that this fact was never brought to the notice of the Coordinate Bench that the P.O. proceedings were pending against the petitioner, on that day.

In view of the above facts and circumstances, I do not find any ground to grant the concession of anticipatory bail to the petitioner and hence same stands dismissed accordingly.

(RAJESH BHARDWAJ)
JUDGE

20.01.2022
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Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No