

105
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33265-2022
Date of Decision: 01.08.2022

Uday Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dinesh Kumar Dakoria, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.355 dated 08.07.2016, under Sections 279, 337, 427 IPC, registered at Police Station Manesar.

It has been submitted by the learned counsel for the petitioner although the petitioner is a P.O. but his absence was not wilful and was due to mis-communication.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has stated that he has received an advance copy of the present petition and he has also sought instructions. He submitted that the petitioner has been absent since 06.08.2018 and repeated non-bailable warrants were issued against him and ultimately he was declared as a proclaimed offender on 12.07.2019. He further submitted

that even otherwise also the present petition for grant of anticipatory bail is not maintainable in view of the judgment of the Hon'ble Supreme Court in *State of Madhya Pradesh Versus Pradeep Sharma [2014(1) SCC (Criminal) 768]*.

I have heard the learned counsel for the parties.

The petitioner has filed the present petition for grant of anticipatory bail. Admittedly, the petitioner is proclaimed offender since the year 2018. The Hon'ble Supreme Court in *State of Madhya Pradesh Versus Pradeep Sharma (Supra)* had observed that in such like cases anticipatory bail should not be granted. The argument raised by the learned counsel for the petitioner that it was due to mis-communication is not acceptable in view of the long period of time as he was declared as proclaimed offender in the year 2018.

In view of the above, the present petition being devoid of merit is hereby dismissed.

At this stage, learned counsel for the petitioner has stated that he may be granted liberty to surrender before the learned trial Court.

The prayer of the learned counsel for the petitioner for grant of liberty is misconceived since the petitioner is always within his rights and rather it is the duty of the petitioner to surrender before the Court.

01.08.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No