

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

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CRM-M-43872-2022
Date of decision : 22.09.2022

Sandeep Kumar

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Vishavjeet Singh Rishi, Advocate
for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.30 dated 11.03.2022 registered under Section 379 and 411 of the Indian Penal Code, 1860 at Police Station GRP, District Ludhiana.

Brief facts of the case are that on 11.03.2022 ASI Jagroop Singh received a secret information that 02 persons namely Vikas Kumar and Sandeep Kumar (the petitioner), who are habitual of stealing the articles of travelers from trains, are sitting below the Wooden Bridge, Near Railway lines at Railway Station, Ludhiana. Upon which the police party conducted the raid and apprehended Vikas Kumar and Sandeep Kumar (petitioner). On search 05 mobile phones were recovered from them.

Learned Counsel for the petitioner submits that the petitioner was arrested on 11.03.2022 and was granted regular bail by

learned Chief Judicial Magistrate, Ludhiana vide order dated 23.03.2022. The petitioner could not appear before the trial Court on 21.04.2022 as he had noted down the wrong date for appearance as 21.05.2022 instead of 21.04.2022. Due to the absence of the petitioner non-bailable warrants have been issued against him by the trial Court on 21.04.2022. Absence of the petitioner in the Court was neither intentional nor willful. The petitioner undertakes not to remain absent from the trial in future and he is ready to surrender before the Trial Court. The petitioner will abide by the terms and conditions imposed by the Court.

I have heard learned counsel for the petitioner and gone through the paper-book.

Perusal of the file shows that no sufficient reason has been given by the petitioner for his non-appearance before the Trial Court. It is settled proposition of law that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant in terms of Section 82 of the Cr.P.C, he is not entitled to the relief of anticipatory bail. This view of mine is fortified by the judgment of the Hon'ble Supreme Court in case ***State of M.P. Vs. Pradeep Sharma : 2014 (1) RCR (Criminal) 269.***

In view of the above and keeping in view the nature of averment and conduct of the petitioner, I do not deem it fit to extend the concession of anticipatory bail to the petitioner.

Dismissed.

In case the petitioner surrendered before the trial Court within 10 days from today, he shall move an application for grant of

bail before the trial Court which shall be decided by the Trial Court expeditiously in accordance with law.

22.09.2022

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(ASHOK KUMAR VERMA)
JUDGE

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