

103

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

**CRM-M-54436-2022
Date of Decision: 24.11.2022**

Amritpal Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shubham Goyal, 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 grant of anticipatory bail to the petitioner in FIR No.78, dated 12.09.2013, under Sections 420 & 120-B IPC, registered at Police Station Lambra, District Police Jalandhar.

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and in fact earlier he was declared as P.O. wrongly and has therefore prayed for the grant of anticipatory bail to the petitioner.

On the other hand, Mr. Amit Rana, learned Sr. Deputy Advocate General, Punjab, has stated that he has received an advance copy of the present petition and has gone through the same and has also got instructions from the concerned police official. He further submitted that the present petition for grant of anticipatory bail to the petitioner is not maintainable

since the petitioner is already P.O. in the present case itself and has referred to the judgment of “State of M.P Vs Pradeep Sharma”, 2014(2) SCC 171 and submitted that the present petition is liable to be dismissed.

I have heard the learned counsel for the parties.

It is a case where as per Annexure P-5, the petitioner was declared as proclaimed person way back on 10.12.2019 and it is almost 3 years that the petitioner is absconding. The petitioner has not assailed the orders dated 10.12.2019 whereby he was declared as proclaimed person. The Hon'ble Supreme Court in State of M.P Vs Pradeep Sharma case (supra) observed that if the accused is absconding and declared as PO, then accused should not be granted anticipatory bail.

In view of the aforesaid facts and circumstances, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

24.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |