

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-6191-2023
Date of Decision:May 01, 2023

Harpal Singh @ Bhola

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM:HON'BLE MR.JUSTICE ANOOP CHITKARA

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Sections
16	26.03.2009	Fatehgarh Churian, District Batala	302, 307, 382, 427, 120-B IPC, 148, 149 IPC and section 27/27 of Arms Act.

The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.

2. Counsel for the petitioner submits that all the other accused has already been acquitted in the present case, and prayed for grant of bail.

3. Short reply dated 01.05.2023 has been filed in the Court today and the same is taken on record. A perusal thereof reveals that during the pendency of the petition before trial Court, an application for arraigning the petitioner as an additional accused u/s 319 Cr.P.C. was filed and the same was allowed. He was ordered to be summoned to face trial. Despite the efforts, the accused could not be apprehended, which led to declare him as proclaimed offender.

4. Counsel for the State opposes the maintainability of the present petition on the ground that parameters of anticipatory bail are different and bail should not be granted to proclaimed offender.

5. Faced with this, counsel for the petitioner wants to withdraw the present bail petition with the liberty to file fresh one under Section 439 Cr.P.C. with permission to surrender and seek interim bail in the said application in the terms of judgment passed in *Sandeep Kumar Bafna Vs. State of Maharashtra and another, 2014(16) SCC 623*.

6. The prayer is innocuous.

7. Given above, the present petition is disposed of as having been withdrawn with the liberty aforementioned. It is clarified that registry shall not raise any objection qua surrender of accused. In case the petitioner files fresh petition for bail, he shall annex the reply filed by the State today itself to avoid to repeat the process. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 01, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No