

Neutral Citation No. 2023:PHHC:106682

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26448-2023
DECIDED ON: 25.05.2023

SAHIL KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Rajeev Verma, DAG, Punjab

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Section 438 Cr.P.C. has been invoked by the petitioner for the grant of anticipatory bail in FIR No.161, dated 24.07.2018, under Sections 21 of NDPS Act 1985, registered at Police Civil Lines, Batala, District Batala (Punjab).
2. Learned counsel for the petitioner contends that the petitioner was granted the concession of regular bail in the aforesaid FIR as the recovery effected was only 5grams of heroin which is non commercial in nature, and he was regularly appearing before the trial court but on 11.04.2022 he could not appear as the challan was presented in his absence and he was unaware of this fact.
3. He further asserts that the absence of the petitioner was not intentional and it was due to some miscommunication gap and therefore on 11.04.2022 his bail bonds were cancelled and non bailable warrants were issued to secure his presence

and finally on 05.04.2023 petitioner was declared proclaimed offender.

4. Learned state counsel on the other hand opposes the concession of anticipatory bail and submits that the concession of anticipatory bail under Section 438 Cr.P.C., cannot be granted to a person, who has been declared as proclaimed offender.

5. Heard respective counsels for the parties.

6. This court is not oblivious of the fact that the petitioner is evading the process of law for the last more than one year which is highly deprecated on his part and he did not comply with the orders of the court which shows that the he has no respect for the courts order and a person who obstructs the process of law and evades from it does not deserves the concession of anticipatory bail.

7. Dismissed.

(SANDEEP MOUDGIL)
JUDGE

25.05.2023
sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>