

2023:PHHC:085142

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

205

CRM-M No.30661 of 2022
Date of Decision: 06.07.2023

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Berjeshwar Singh Jaswal, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has made the 2nd attempt to seek the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.0068 dated 27.04.2022 registered at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana, under Sections 307, 353, 186 IPC and Sections 25 & 27 of the Arms Act as vide the order dated 06.06.2022 (Annexure P-22), the petition bearing **CRM-M No.25786 of 2022**, filed by him earlier for seeking the same relief, had been dismissed by this Court for having been withdrawn, while granting him the liberty to file a fresh one with better and correct particulars.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant-Senior Constable Kuldeep Singh in the subject FIR, are

that on the receipt of a secret information regarding the petitioner, the police party, headed by SI Gurcharan Singh, put up the barricades at the disclosed place. After some time, a Fortuner vehicle bearing registration No.PB-82-0085 was seen coming from Jain Temple side and as per the instructions of the above-named SI, he (complainant), being the driver of the Bolero vehicle (an official vehicle), took his vehicle ahead of the said Fortuner vehicle, as being driven by the petitioner, so as to intercept it. However, on noticing the police party, the petitioner tried to reverse his vehicle and then, he tried to crush the afore-said SI under his vehicle but he (SI) jumped aside to save himself. Thereafter, the petitioner hit his vehicle with the above-mentioned Bolero vehicle, with an intention to kill him (complainant) and then, he fled away from the spot while firing shots at the police officials.

3. Status-report has already been filed on behalf of the respondent-State by way of the affidavit of the Assistant Commissioner of Police (South) Ludhiana.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that the Officers/ Officials of the Police Department have been nurturing a grudge against the petitioner since long time and due to this reason, they have got him falsely implicated in several criminal cases and moreover, no empty shells of the cartridges, as allegedly fired by the petitioner at the police party, were

recovered from the spot and this fact itself belies the allegations of the complainant in this regard and therefore, no offence under Section 307 IPC is made out against the petitioner and in these circumstances, he deserves the relief, as prayed for in this petition.

6. Per-contra, learned State counsel argues that the petitioner is a habitual offender and keeping in view the nature of the offence committed by him, the instant petition be dismissed.

7. As regards the contentions qua the false implication of the petitioner due to any malice on the part of the Police Officers/Officials, against him and no empty shells of the allegedly fired cartridges having been recovered from the spot and hence, no offence under Section 307 IPC having been made out in the case, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence as may be led on the record during the course of the trial and these contentions cannot be considered and decided by this Court, at the time of dealing with the present petition as moved for seeking the concession of anticipatory/pre-arrest bail.

8. To add to it, a perusal of the Status-report reveals that in its Para No.6 (ii) and (viii), it has been mentioned that the petitioner has been convicted in the criminal cases, as described therein and as pointed out in Clause (iii) in the same para, he is absconding in another criminal case, as detailed in the same and as per clauses (xi) and (xii) thereof, he is involved in two more cases registered under Section 21 of the NDPS Act. To cap it all, it has also been specified in para 6(v) that he (petitioner) has already

been declared a proclaimed offender in the criminal case arisen out of FIR No.129 dated 25.09.2011, as registered at Police Station Division No.7, Ludhiana under Section 21 of the NDPS Act.

9. It has categorically been observed by the Apex Court in **State of Madhya Pradesh vs. Pradeep Sharma (2014) 2 SCC 171** that “*where the accused was absconding and had been declared a proclaimed offender in terms of Section 82 Cr.P.C, he should not be granted anticipatory bail*”.

These observations are fully applicable to the instant case.

10. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

06.07.2023
neetu

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes