

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

227

CRM-M-46546-2022
Date of Decision:31.01.2023

Ravinder Singh

....Petitioners

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Davinder Bir Singh, Advocate for the petitioners.

Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.91 dated 02.04.2011 registered under Sections 302, 427, 148, 149, 120B IPC at Police Station Payal, Khanna, Distt. Ludhiana.

On instructions, counsel for the State opposes the present bail petition on the ground that the petitioner was declared proclaimed offender and as such the present petition filed under Section 438 CrPC, is not maintainable in normal circumstances.

Faced with this situation, counsel for the petitioner seeks withdrawal of the present petition with liberty to file a fresh petition under Section 439 CrPC directly to this Court with a further prayer of interim bail in the said petition. Counsel further prays to direct the Registry not to raise any objection that he is not in custody, when he will file fresh petition, because he would be surrendering as per the directions of this Court.

Given above, the present petition is disposed of as withdrawn with liberty to file a fresh petition u/s 439 CrPC directly before this Court with a prayer for interim bail in the said petition. It is clarified that Registry shall not raise any objection at the time of filing of fresh petition qua the surrender of petitioner.

Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

31.01.2023
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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no