

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1869-2024 (O&M)
Date of Decision: 25.01.2024
2024: PHHC:011006

HARMANDEEP SINGH @ HARMAN

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Amit Arora, Advocate, for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK GUPTA, J.

On 15.01.2014, following order was passed by this Court: -

"This is the second petition filed under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in case FIR No.21 dated 14.02.2023 registered under Section 21(c), 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act, 1959 (offence under Section 25 of Arms Act, 1959 deleted later on vide DDR No.29 dated 19.07.2023) at Police Station City Patti, District Tarn Taran.

It is noticed by this Court that incident of recovery of the contraband took place on 14.02.2023. Petitioner applied for anticipatory bail before Court of Sessions which was declined on 16.03.2023 (Annexure P.2). Petitioner then approached this Court seeking anticipatory bail by filing CRM-M-17187 of 2023, which was dismissed as withdrawn by the petitioner on 01.08.2023 by passing the following order by this Court:-

"Reply by way of affidavit dated 08.06.2023, of Shri Davinder Singh, Deputy Superintendent of Police, Detective, District Tarn Taran on behalf of the respondent- State has been filed.

After arguing for some time, learned counsel for the petitioner has made statement, so as to withdraw the petition.

Dismissed as withdrawn, as prayed for."

It will be evident from the afore-said order that the petition was dignified dismissed as withdrawn after arguing for some time, which is the dignified way of

dismissing the petition for anticipatory bail. Now with the change of counsel, this petition has been filed without disclosing any change in circumstances.

Notice of motion.

Mr. Amit Rana, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

Respondent- State is directed to inform by way of filing of the affidavit of the Senior Superintendent of Police, Tarn Tarn as to why the petitioner has not been arrested so far despite the fact that his earlier anticipatory bail petition was dismissed by the Court of Sessions on 16.03.2023 and the petition for anticipatory filed before this Court was dismissed as withdrawn on 01.08.2023 and as to whether Police is colluding with the petitioner so as to grant any advantage to him.

Adjourned to 25.01.2024."

2. Today reply by way of affidavit dated 25.01.2024 of Ashwani Kapur, IPS, Senior Superintendent of Police, Tarn Taran, District Tarn Taran, has been filed on behalf of the respondent/State, in compliance of the aforesaid order, as per which petitioner has already been declared proclaimed offender in other cases. Even in this case, several efforts have been made to arrest him by issuing warrants of arrest. After completion of further legal proceedings, proclamation proceedings shall be initiated against him.

4. Apart from above, petitioner has moved an application bearing CRM-3429-2024 to place on record his additional affidavit. Said affidavit is taken on record. Application is accordingly allowed.

5. As per the additional affidavit filed today, petitioner has already been declared proclaimed offender in two other cases, as per the following details: -

- i) FIR No.77 dated 07.10.2019 registered at Police station Khalra, District Tran Taran, under Sections 21, 28 & 27A of the NDPS Act.

ii) FIR No.06 dated 17.08.2016 registered at Police Station SSOC Amritsar, under Sections 25 & 27 of the Arms Act, 1959 and Section 148/149 IPC.

6. In view of all the aforesaid circumstances, when petitioner has already been declared proclaimed offender in two cases and also keeping in view the observations made by this Court in its order dated 15.01.2024, this Court is not inclined to entertain the second petition for grant of anticipatory bail.

Dismissed.

25.01.2024

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
No