

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14425 of 2024
Date of decision: 20th March, 2024

Amritpal Singh
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Gupta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.29 dated 24.02.2022 under Sections 393, 398, 307, 482 (added later on) IPC and Section 25 of the Arms Act, 1959 registered at Police Station Mallanwala, District Ferozepur.
2. Learned counsel the petitioner inter alia contends that the petitioner was not named in the FIR in question and rather came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Gurdev Singh, who was apprehended at the spot by the public. He submits that the petitioner is innocent and hence he be extended the concession of anticipatory bail.
3. On a pointed query put to the learned counsel for the petitioner as to whether he has been declared a proclaimed offender, he has replied in the negative.

4. Learned counsel has drawn the attention of this Court to the deposition of the three witnesses, who as per him did not support the case of the prosecution.

5. Notice of motion.

6. Mr. Amit Rana, Sr. Dy. Advocate General, Punjab who is present in Court, accepts notice on behalf of the State. Learned State Counsel, on instructions, has submitted that proceedings under Section 82 Cr.P.C., have been initiated against the petitioner as he has been evading his arrest since the dismissal of his anticipatory bail by the Court of learned Additional Sessions Judge, Ferozepur, however, the said fact has been withheld by the petitioner from this Court in his petition.

7. Hon'ble the Supreme Court in “*Prem Shankar Prasad Vs. State of Bihar and Another*” (2022) 14 SCC 516, has categorically emphasized that any accused who has been declared a proclaimed offender, or against whom proceedings under Section 82 of the Cr.P.C. have been initiated, should not be extended the extraordinary concession of anticipatory bail.

8. In the circumstances and the role attributed to the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner in the instant case.

9. Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

March 20, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No