

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.108

CRM-M-17301-2024
Date of decision:08.04.2024

GURWINDER SINGH ALIAS ALLU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.Navjot Narang, Advocate for the petitioner.

N.S. SHEKHAWAT, J.

1. Petitioner prays for grant of pre-arrest bail in FIR No.39 dated 0408.2021 registered under Sections 61/78 of the Punjab Excise Act (Sections 1 and 14 of the Excise Act added later on) at Police Station, Dharamgarh, District Sangrur.
2. Learned counsel for the petitioner submits that the petitioner was granted the concession of anticipatory bail vide order dated 05.01.2022 and thereafter, the petitioner could not appear before the trial Court and trial Court had issued non-bailable warrants against the petitioner and cancelled his bail. Learned counsel further submits that due to communication gap between the petitioner and his counsel, the petitioner could not appear during the course of trial. He next submits that the petitioner is ready to join the investigation and to abide by the conditions imposed by this Court.
- 3 On an advance notice, Mr. I.P.S. Sabharwal, DAG, Punjab has appeared on behalf of the respondent-State and submitted that there is a concealment of fact on the part of the present petitioner and it has been wrongly mentioned in the petition that he was never declared as a proclaimed offender. He further submits that the petitioner has already been

declared as a proclaimed person on 09.01.2024 by the trial Court. He also submits that the petitioner has also been declared as a proclaimed person in one more FIR No.66/2020 dated 10.07.2020 registered under Sections 61/69/1/14 of the Excise Act at Police Station Dharamgarh.

4. I have heard the learned counsel for the parties and perused the case file.

5. The trial Court has rightly rejected the anticipatory bail petition filed by the petitioner by referring to the law laid down by the Hon'ble Supreme Court in "*Lavesh versus state (NCT of Delhi) 2012 SC*", wherein Hon'ble the Supreme Court has observed that when a person against whom a warrant had been issued or is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 Cr.P.C., he is not entitled to the relief of anticipatory bail.

6. In the present case, the petitioner had absented from the trial Court on 07.12.2022 and has not joined the trial proceedings. Moreover, he has been declared as a proclaimed person in two cases, including the present case. Thus, the petitioner is not entitled to the relief of anticipatory bail.

7. In view of the above, the present petition is dismissed, being devoid of any merits.

08.04.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO