

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0155)**

Case Type	Bail Application
Filing Number	5349/2021 Filing Date: 28.10.2021
Registration Number	3069/2021 Date of Registration: 29.10.2021
CNR Number	PBTT0100-6884-2021
Date of Decision	08.11.2021

Satnam Singh, aged 27 years, son of Dilbagh Singh, resident of village Jagatpura, Thathgarh, District Tarn Taran.

...Applicant-accused

Versus

State of Punjab

...Respondent

FIR No.60 dated 11.03.2020
Under Sections 399, 402 IPC
Police Station Jhabal, District Tarn Taran

BAIL APPLICATION UNDER SECTION 438 of Cr.P.C.

Present: Shri Sorrabh Sameer Sharma, Advocate for the applicant/accused
Shri Satinderjit Singh, Additional Public Prosecutor for State

ORDER

Applicant has filed the instant bail application under Section 438 of Cr.P.C., seeking anticipatory bail in the above noted case.

2. It is submitted by the learned counsel for the applicant that the applicant/accused is innocent but falsely has been implicated in this case. It is submitted that FIR has been registered on the basis of alleged secret information but there is no mention of date and month of receipt of such secret information. It is submitted that the applicant, without any notice to him, has been declared as proclaimed offender by the court during the period the applicant was admitted in the hospital. Nothing is to be recovered from the

applicant and he is ready to join the investigation and prayed that anticipatory bail may kindly be granted to the applicant.

3. It is submitted and admitted by the learned Additional Public Prosecutor for State that the applicant has admitted that he has been declared a proclaimed offender in this case. Apart from the that the applicant also is involved in three more FIRs as FIR No.132, dated 13.09.2013, under Section 22 NDPS Act, Police Station Jhabal, FIR No.02, dated 02.01.2015, under Section 22 NDPS Act, Police Station Jhabal and FIR No.78, dated 18.05.2017, under Sections 353, 506, 187, 427 IPC, Police Station Jhabal stands registered against the applicant. It is submitted that apart from the antecedents of the applicant, a proclaimed offender person otherwise is not entitled for concession of anticipatory bail. It is submitted that the applicant may have got admitted in the hospital but his record say that the remained admitted from 06.06.2021 to 11.06.2021 where as the FIR stands registered on 11.03.2020 and in case he has some respect towards the majesty of law then he would have surrendered, earlier of even thereafter, to join the investigation. Therefore it is submitted that the bail application may kindly be dismissed.

4. I have considered the contentions raised by both the sides.

5. Admittedly the applicant in this case has been declared a proclaimed offender. Apart from that the applicant is also found involved in other criminal cases and three more FIRs stands registered against the applicant but the applicant intentionally has not disclosed this factum of him having been involved in other criminal cases. Submission of the applicant that he remained admitted in the hospital as such could not join the investigation also is without merit because as per record of hospital applicant only remained admitted from 06.06.2021 to 11.06.2021 where as

the FIR stands registered on 11.03.2020 and applicant always, earlier of even thereafter, could have joined the investigation before ultimately when he has been declared proclaimed offender. Hon'ble High Court of Punjab and Haryana has held that proclaimed offender/person is not entitled for concession of anticipatory bail. There is no dearth of authorities on this point. In case titled as **Rajpal versus State of Haryana, 2003 (4) RCR (Criminal) 773**, also it has been held that if an accused is declared proclaimed offender, he has got no right to apply for pre-arrest bail. As such, this court does not find any merit in the prayer of the applicant to grant him the concession of anticipatory bail anymore. Present application is dismissed. However, nothing herein said before, should be construed as an expression on the merits of the main case. The bail application file be consigned to the record room.

Announced: 08.11.2021

**Kawaljit Singh,
Additional Sessions Judge,
Tarn Taran.
UID Number PB0155**

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