

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

Case Type	Bail Application
Filing Number	5377/2021 Filing Date: 29.10.2021
Registration Number	3086/2021 Date of Registration: 01.11.2021
CNR Number	PBTT0100-6917-2021
Date of Decision	03.11.2021

Manjit Singh @ Sonu, aged about 30 years, son of Satnam Singh Fauji, resident of Street No.24, Patwarian Wali, Master Colony, Tehsil and District, Tarn Taran, now residing at Kashmir Colony, Ward No.2, Patti, Tehsil and District, Tarn Taran.

...Applicant-accused

Versus

State of Punjab

...Respondent

FIR No.156 dated 13.05.2014
Under Section 21 NDPS Act
Police Station, City Tarn Taran

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

Present: Shri Jarnail Singh Johal, 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 he has been falsely implicated in this case. It is submitted that earlier the applicant was released on regular bail on 02.08.2014, after completion of investigation, challan was presented against the applicant/accused on 03.01.2015 and applicant had been appearing before the learned court on every date except on 12.03.2015 when he could not appear and was ultimately declared proclaimed offender vide order dated 19.08.2015. It is submitted that applicant is ready to join the court proceedings and may kindly be granted anticipatory bail.

3. Learned Additional Public Prosecutor for the State has put in his appearance and opposed the application. It is submitted that applicant has been declared a proclaimed offender vide order dated 19.08.2015. It is submitted that applicant has not explained where he had during this long period of about 6 years and even in this application has not explained about the reasons for his absence and such a person, who has been declared proclaimed offender, has got no right to apply for pre-arrest bail and it is more so when the applicant is playing hide and seek with this court and prayed that present application may also be kindly dismissed.

4. As submitted by the learned Additional Public Prosecutor for State the applicant has been declared proclaimed offender in this case vide order dated 19.08.2015. Applicant has not disclosed about the reasons for his willful absence from the proceedings of the court and even in this application, he has not disclosed about the reasons for his willful absence. Hon'ble High Court 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. So, for the forgoing reasons, the present bail application is ordered to be dismissed. However, it is made here clear that observation made herein above shall not be construed as an expression on the merits of main case. Bail application file be consigned to the record room.

Announced: 03.11.2021

Self typed

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