

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-39046 of 2016

Date of Decision : October 28, 2016

Jarnail Singh @ Jarnail Singh Ghotra	VERSUSPetitioner
State of Punjab	Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. K.S.Dhillon, Advocate
for the petitioner.

T.P.S. MANN, J. (Oral)

Prayer made in the petition filed by the petitioner, namely, Jarnail Singh @ Jarnail Singh Ghotra son of Phagga Singh, resident of Village and Post Office Salempur, Tehsil and District Hoshiarpur, at present resident of 8572 Rue Daoust, La Salle, QC, H8N 2C2, Canada, is for grant of anticipatory bail in case FIR No. 36 dated 15.2.2012 under Sections 323, 452, 382, 506, 148 and 149 I.P.C. registered at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner was earlier granted bail in the aforementioned FIR. Subsequently, on 31.5.2003 final report under Section 173 Cr.P.C. was also submitted by the police in the Court. As the petitioner was resident of Canada, he returned to Canada and as he did

not know intricacies of law, he was declared proclaimed offender by the learned Sub-Divisional Magistrate, Dasuya, vide order dated 25.1.2014. It is submitted that the petitioner intends to return to India and face the criminal proceedings launched against him. However, he apprehends that he will be arrested soon after, he returns to India.

Notice of motion to Advocate General Punjab. At the asking of the Court, Ms. Sudeepti Sharma, DAG, Punjab, accepts the notice.

As of date, the petitioner stands declared proclaimed offender and, therefore, he cannot be granted the concession of anticipatory bail. However, as he intends to return to India and face the criminal proceedings, he can be granted transit bail so that he is not arrested for a specific period of time and in the meantime, he may surrender before the trial Court.

Resultantly, the petition is disposed of with a direction that in case the petitioner returns to India on or before November 21, 2016, he be not arrested. In case, he returns to India before the said date, he shall surrender before the trial Court on or before November 23, 2016 and then apply for regular bail, which application shall be decided in accordance with law.

October 28, 2016

amit rana

**(T.P.S. MANN)
JUDGE**

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No