

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

CRM-M-43436 of 2015 (O&M)

Decided on: 23.12.2015.

Paramjeet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. B.S. Toor, Advocate,
for the petitioner.

JITENDRA CHAUHAN.J.

This petition, under Section 438 Cr.P.C is filed for grant of pre-arrest bail in case FIR NO.58 dated 10.6.2010 under Sections 406, 420 and 506 IPC registered at Police Station Panjokhra, District Ambala.

The petitioner was released on bail and subsequently jumped the bail. Ultimately, he was declared proclaimed offender. As the petitioner has misused the concession of bail and has not surrendered to the process of the Court, the Court is not inclined to grant any relief prayed for. The Hon'ble Apex Court in **Lavesh vs. State (NCT of Delhi) (2012)8 SCC 730** considered the scope of granting relief under Section 438 Cr.P.C to a person who was declared as an absconder or proclaimed offender in terms of Section 82 Cr.P.C.

In para 12 of the judgment, it was held as under:-

“12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and was declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail.” It is clear from the above decision that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail.”

In view of above, no relief can be granted to the petitioner who is a proclaimed offender. Consequently, the petition is dismissed.

23.12.2015.
SN

(JITENDRA CHAUHAN)
JUDGE