

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

**Criminal Misc. No. M-25358 of 2018
Date of decision: 06.10.2018**

Sahid @ Mulla

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Afzal Hussain, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent -State.

Mr. Aazam Khan, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. by petitioner-Sahid @ Mulla for grant of anticipatory bail in case FIR No.350 dated 19.08.2017 registered under Sections 148, 149, 323, 506, 427 IPC and Section 307 IPC added later on at Police Station Ferozepur Jhirka, District Nuh, Mewat.

On 01.08.2018, notice of motion as well as notice regarding stay was issued.

It has been brought to the notice of this Court by learned State counsel as well as counsel for the complainant that the petitioner has been declared proclaimed offender and he is not entitled for anticipatory bail. The order of declaring proclaimed offender has been challenged by way of filing

a petition, which is still pending.

A query has been put to learned counsel for the petitioner as to how the petition for anticipatory bail is maintainable in case, the petitioner has been declared proclaimed offender.

Learned counsel for the petitioner is not in a position to answer the same.

The petitioner is not entitled for anticipatory bail when he has already been declared proclaimed offender.

Dismissed.

However, the petitioner is directed to surrender before the trial Court and in case, he surrenders before the trial Court and moves an application for bail, the trial Court is directed to consider the same and pass necessary order in accordance with law.

06.10.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No