

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

CRM-M-30314-2018

Date of Decision:11.09.2018

Shashi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Nikhil K. Chopra, Addl. A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 of Cr.P.C in case FIR No.188 dated 29.10.2015 registered under Sections 13-3-67 of Gambling Act, at Police Station "E" Division, Amritsar, District Amritsar.

2. Petitioner was declared as proclaimed offender on 22.1.2018. This Court was not apprised to the extent that whether has he challenged the order declaring the petitioner as proclaimed offender or not? On 20.07.2018, this Court has not noticed relating to the fact that petitioner has been declared as proclaimed offender so also order declaring him as proclaimed offender has not been challenged.

3. Today, learned State counsel pointed out that petitioner was declared as proclaimed offender on 22.1.2018. In view of the proclaimed offender order, petitioner is not entitled to anticipatory bail. Petitioner seems to have not apprised of proclaimed offender order to this Court while obtaining order on 20.07.2018.

4. When petitioner has been declared as proclaimed offender on 22.01.2018, petitioner has no legal right to seek anticipatory bail under Section 438 Cr.P.C., in view of the law laid down in State of Madhya

Pardesh v. Pardeep Sharma; 2014 (2) SCC 171. Moreover, there is no challenged to proclaimed offender order.

5. Accordingly, petition stands dismissed.

6. At this stage, learned counsel for the petitioner pointed out that pursuant to the order dated 20.07.2018, he has surrendered before the trial Court and has been appearing regularly. Having regard to the fact that petitioner has not approached this Court with clean hand to the extent in not bringing the fact that he had not challenged the order declaring him as proclaimed offender, he is not entitled to anticipatory bail.

11.09.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**