

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 42689 of 2018 (O&M)

Date of decision : 28.9.2018

Shekhar Rana

...

.....Petitioner

vs.

State of Haryana

.....Respondent

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Tarun Kumar Walia, Advocate for the petitioner.

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**H. S. Madaan, J. (Oral)**

This is petition for quashing of order dated 1.12.2017, passed by JMIC, City Jagadhri, vide which the petitioner has been declared as proclaimed offender, has been filed by petitioner accused – Shekhar Rana.

It is stated that petitioner was residing abroad when he was declared proclaimed offender.

As such in authority **Mehnga Singh vs. State of Punjab 2002 (2) RCR (Criminal) 501**, by a Coordinate Bench of this Court, it has been observed that when an accused has been declared as proclaimed offender, a petition against the order under Section 482 Cr.P.C. is not maintainable and that in such an eventuality the accused should first move the Court which declared him proclaimed offender and even an objection against validity of proclamation is required to be raised in the first instance before the Court which issued the proclamation and that power under Section 482 Cr.P.C. is

not to be exercised in favour of a person who is absconder or avoiding service.

Therefore, the petitioner is relegated to the remedy of appearing before the trial Court, which has declared him a proclaimed offender, at the first instance, so as to get the order set aside and get bail therefrom.

Disposed of accordingly.

28.9.2018

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( H.S. Madaan )

Judge

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|-----------------------------|----------|
| Whether speaking / reasoned | Yes / No |
| Whether reportable          | Yes / No |