

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-460-2016

Date of decision:-3.8.2018

Gauri Arora

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.H.S. Oberoi, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Ms.G.K. Mann, Advocate
for respondent No.2.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Gauri Arora, an accused, who has admittedly been declared a proclaimed offender by the Court of learned Chief Judicial Magistrate, Amritsar vide order dated 23.9.2015.

In **State of Madhya Pradesh Versus Pradeep Sharma, 2014(1) R.C.R.(Criminal) 269**, it was held by the Apex Court that when an accused had absconded and declared as a proclaimed offender in terms of Section 82 Cr.P.C., he is not entitled to pre arrest bail.

Similar view was taken by the Hon'ble Apex Court in **Lavesh Versus State (NCT of Delhi), 2012(4) R.C.R.(Criminal) 240** and by a Co-ordinate Bench of this Court in **Iqbal Singh Sabharwal and another Versus State of Punjab and another, 2015(3) R.C.R.(Criminal) 274**.

Learned counsel for the petitioner states that in view of interim bail granted to the petitioner, the petitioner has already appeared in the Court

below.

May it be so. The petitioner had approached the Apex Court for moving a transfer petition. However, the same has since been dismissed. Simply because the petitioner has appeared in the Court below in pursuance of the interim bail granted to her does not mean that said bail is to be confirmed.

Learned counsel for the petitioner has referred to citation **Arnesh Kumar Versus State of Bihar & Anr., 2014(3) R.C.R.(Criminal) 527**. But that is with regard to proposition that Police Officers should not automatically arrest a person where a case is registered under Section 498-A IPC or Dowry Prohibition Act and also in cases where offence is punishable with imprisonment for a term, which may be less than seven years or extended to 7 years. The proposition of law in this case is entirely different as to whether a person, who has been declared a proclaimed offender is entitled to pre-arrest bail or not. Similarly authority **Rajesh Sharma & Ors. Versus State of U.P. & Anr., 2017(3) R.C.R.(Criminal)836** wherein it was observed that no arrest of husband and his relatives be made without prior verification by committee to be set in each State is on different point.

Thus finding no merit in the petition, the same stands dismissed.

However, it is observed that in case of petitioner surrendering in the trial Court within ten days from today and moving an application for regular bail, the same be disposed of expeditiously.

3.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No