

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

CRM-M-24182-2020 (O&M)

Date of decision: 01.12.2020

Harjot Singh @ Gullu

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Ms. Jainika Jain Sharma, Advocate for the petitioner.

Mr. JP Ratra, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition under Section 482 Cr.P.C., has been filed by petitioner Harjot Singh @ Gullu, seeking quashing of order dated 09.07.2019, passed by Judicial Magistrate Ist Class, Gurdaspur, vide which he was declared as a proclaimed offender in case FIR No.06 dated 08.01.2019, for offences under Sections 363, 366A, 120B IPC (Section 376 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 added later on), registered with Police Station Civil Lines, Batala, District Gurdaspur.

On the very face of it, it may be stated that the petition is not maintainable since in **Mehnga Singh Vs. State of Punjab, 2002 (2)**

RCR (Criminal) 501, a Co-ordinate Bench of this Court has observed

that when an accused has been declared as a proclaimed offender, a petition under Section 482 Cr.P.C., impugning that order is not maintainable and accused should first move the Court which declared him a 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 absconding or avoiding service. Furthermore, the Apex Court in judgment State of Madhya Pradesh Vs. Pradeep Sharma, 2014 (1) RCR (Criminal) 269 has observed that if an accused is absconding and declared as a proclaimed offender, he should not be granted anticipatory bail.

Therefore, the present petition cannot proceed and is dismissed accordingly. The petitioner is directed to surrender before the trial Court and move application seeking regular bail, explaining his version and then, the trial Court may deal with it in accordance with law.

01.12.2020
sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No