

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

CRM-M-30775-2020

Date of decision: 1.10.2020

Mintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Balraj Gujjar, Advocate for the petitioner

Mr.Vikrant Pamboo, DAG, Haryana

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No. 108 dated 1.4.2017 registered under Sections 363 & 366-A IPC, Section 6 of POCSO Act and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Bhupani, District Faridabad.

Contentends that the petitioner is not named in the FIR. He was not present on the spot at the time of occurrence. Main accused Anand has already been acquitted by the trial Court. He further submits that nothing is to be recovered from the petitioner.

Learned counsel for the State opposes the prayer of the petitioner and states that the petitioner has been declared proclaimed

offender on 3.11.2018.

Heard.

The prosecutrix was 14 years of age at the time of occurrence. The FIR in question is dated 1.4.2017. The petitioner absconded, therefore, he was declared proclaimed offender by the trial Court vide order dated 3.11.2018. In **State of Madhya Pradesh vs. Pradeep Sharma 2014 (1) RCR (CrI.) 269 (S.C.)**, it is held that if an accused is absconding and declared proclaimed offender, the accused should not be granted anticipatory bail. This is second bail petition under Section 438 Cr.P.C., which is otherwise is not maintainable.

Accordingly, no case is made out to grant pre-arrest bail to the petitioner.

Dismissed.

1.10.2020
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No