

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

CRM-M-41654 of 2020

DATE OF DECISION :- December 11, 2020

Bhupinderjit Singh Dhaliwal

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Gulzar Mohammed, Advocate for the petitioner.

The case has been taken up through Video Conferencing.

Petitioner Bhupinderjit Singh Dhaliwal, aged about 44 years, son of Surjit Singh, resident of village Bhamupura Kalan, now at House No. 32673 Chilcotin Drive Abbotsford British Columbia, Canada has filed the instant petition under Section 482 Cr.P.C. for issuance of direction to Area Magistrate/trial Court, Jagraon, District Ludhiana to release the petitioner on interim bail in F.I.R. No. 5 dated 23.7.2014 under Section 420 IPC registered at Police Station NRI Jagraon, District Ludhiana disposed of on 27.5.2016 by the S.D.J.M., Jagraon after declaring petitioner as a proclaimed offender and recording evidence under Section 299 Cr.P.C.

In a judgment passed by a coordinate Bench in case titled 'Mehnga Singh versus State of Punjab 2002(1) CLJ (Criminal) 302' it was observed that when an accused has been declared as a proclaimed offender petition against the order under Section 482 Cr.P.C. is not maintainable, the accused should first move the Court who had 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 power under Section 482 Cr.P.C. is not to be exercised in favour of a person who is absconding or avoiding service. In the judgment 'State of Madhya Pradesh versus Pradeep Sharma 2014(1) R.C.R. (Criminal) 269' the Hon'ble Supreme Court of India has observed that when an accused is absconding and has been declared as a proclaimed offender in terms of Section 82 Cr.P.C. then such accused should not be granted anticipatory bail. In view of these judgments, the present petition is not maintainable. The petitioner presently residing abroad has filed the present petition through his attorney without submitting himself to the jurisdiction of this Court. On that account also the petition is not maintainable.

Accordingly, the present petition is dismissed. The petitioner is required to surrender in the trial Court and apprise it to all the facts and circumstances and then ask for regular bail instead of approaching this Court by way of filing the present petition.

(H.S. MADAAN)
JUDGE

December 11, 2020

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No