

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

**CRM-M-1342-2021(O&M)
Date of decision:-12.1.2021**

Harpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Pardeep Bajaj, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Harpreet Singh aged about 38 years son of Dharam Singh, resident of House No.736, Mann Nagar, Batala, District Gurdaspur, who has been declared as a proclaimed person by the Court of Judicial Magistrate Ist Class, Hoshiarpur vide order dated 19.12.2019 in complaint case titled 'Balbir Singh Versus Harpreet Singh' filed by complainant Balbir Singh against him under Section 138 of Negotiable Instruments Act.

The law is well settled that an absconder is not entitled to pre-arrest bail. In terms of the ratio of the authority **State of Madhya**

Pradesh Versus Pradeep Sharma, 2014(1) R.C.R.(Criminal) 269, 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.

In **Mehnga Singh Versus State of Punjab, 2002(2) R.C.R.(Criminal) 501**, 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 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 absconding or avoiding service.

Therefore, the petition stands dismissed.

However, the petitioner is directed to surrender in the trial Court and in event of his doing so and moving application for regular bail, the same be disposed of by the trial Court in accordance with law.

(H.S.MADAAN)
JUDGE

12.1.2021
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No