

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

**CRM-M-3617-2021(O&M)
Date of decision:-27.1.2021**

Deepak alias Deep and another

...Petitioners

Versus

State of Punjab

...Respondent

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

Present : Mr.Kapil Khanna, Advocate
for the petitioners.

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 petitioners – Deepak alias Deep, aged about 31 years, resident of village Babowal and Dorthi Miceal alias Dorthi, aged about 39 years, resident of village Bariar, both of them being accused in case FIR No.218 dated 28.12.2019, under Sections 420, 465, 468, 471, 506 and 120-B IPC, registered with Police Station City, Gurdaspur, District Gurdaspur, who have been declared as a proclaimed persons vide order dated 5.1.2021 passed by Chief Judicial Magistrate, Gurdaspur.

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.

27.1.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No