

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 8388 of 2021 (O&M)

Date of decision : 24.2.2021

...

Jaspreet Singh

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioner.

...

H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioner – Jaspreet Singh, who has been declared as a proclaimed offender in FIR No. 89 dated 29.7.2016, for offence under Section 498-A IPC, registered at Police Station Ajitwal, District Moga, has approached this Court by way of filing the present petition under Section 482 Cr.P.C., seeking quashing of the said order.

In authority reported as **Mehnga Singh vs. State of Punjab 2002 (2) RCR (Criminal) 501**, by a Coordinate Bench of this Court, wherein dealing with a similar situation, where the accused had been declared as proclaimed offender and a petition under Section 482 Cr.P.C. challenging that order had been filed in this court, it was

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 absconder or avoiding service.

Furthermore, in view of the the Apex Court authorities *State of Madhya Pradesh vs. Pradeep Sharma 2014 (2) RCR (Criminal) 269* and *Lavesh vs. State (NCT of Delhi) 2012 (4) RCR (Criminal) 240,* a proclaimed offender being absconder, in terms of Section 82 Cr.P.C., is not entitled to the discretionary relief of pre-arrest bail.

Therefore, the petition stands dismissed.

The petitioner is directed to surrender in the trial Court within a period of 15 days and move an application for regular bail, explaining all the facts and circumstances to the said Court. Since it is stated that the matter has been compromised between the parties, the trial Court may decide the application for regular bail, so moved by the petitioner, expeditiously, considering the fact that the matter between the spouses has statedly been resolved amicably.

24.2.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes/ No
Yes/ No