

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

CRM-M-10075-2021

Date of decision:-3.3.2021

Suresh Sharma and another

...Petitioners

Versus

State of Haryana

...Respondent

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

Present : Mr.B.S. Jaswal, 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 – Suresh Sharma and Amit Bhandari, both of them being accused in case FIR No.37 dated 22.1.2019, under Section 174-A, IPC, registered with Police Station Kotwali, District Faridabad, who have been declared as a proclaimed persons vide order dated 19.1.2019 passed by Judicial Magistrate Ist Class, Faridabad.

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.

3.3.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No