

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M- 13579 of 2021 (O&M)
Date of Decision: 24.3.2021**

Harish Chander @ Harish Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vishal Thakur, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is the second petition that has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as '**the Code**') for grant anticipatory bail in FIR No. 249 dated 13.12.2018 registered under Sections 420, 406 of the Indian Penal Code at Police Station City Rupnagar, District Rupnagar.

It is submitted that earlier the petitioner had been allowed anticipatory bail by this Court on 11.3.2019. However, when the challan was presented in the trial court, no prior information was given to him and consequently he was unaware of the fact that his presence is required in the trial court. It is argued that the order dated 20.12.2019 declaring him as proclaimed offender is not sustainable as there was no compliance of Section 18 of the Code. It is also argued that anticipatory bail applied for after the petitioner had been declared proclaimed offender has wrongly been

dismissed, while submitting that nothing is to be recovered from him and that he is ready to join the proceedings in the trial court.

I have heard learned counsel for the petitioner and find no merit in the petition for grant of anticipatory bail to the petitioner in the aforesaid FIR. A perusal of the pleadings would show that though the petitioner had been allowed anticipatory bail by this Court, he did not put in appearance before the trial court. After the challan was presented, summons were served upon the petitioner, but he did not put in appearance despite the matter having been called several times before and after lunch session. The trial court on 23.7.2019 issued bailable warrants for a sum of ₹10,000/- with one surety of the like amount to secure the presence of the petitioner before the Court on 8.8.2019, on which date, he did not put in appearance despite the fact that bailable warrants had been executed. Consequently, non-bailable warrants were issued to secure his presence on 18.10.2019. However, since again he did not put appearance despite non-bailable warrants having been served upon the wife and father of the petitioner, the procedure was followed by the trial court by issuing proclamation warrants under Section 82 of the Code for 20.12.2019. On 20.12.2019, the trial court observed that proclamation issued under Section 82 of the Code were executed on 14.11.2019 and since the mandatory period of 30 days has been elapsed since publication of proclamation on 14.11.2019, therefore, the petitioner was declared as proclaimed person.

Learned counsel for the petitioner has not been able to point out any infirmity either in the order so passed by the trial court declaring him proclaimed person or the order passed by the Additional Sessions Judge,

Rupnagar, dismissing his anticipatory bail application. The law is well settled in the **State of M.P. Versus Pradeep Sharma (2014) 2 SCC 171**, wherein it has been held that if any person is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, then he is not entitled to the relief of anticipatory bail. The ratio of the aforesaid judgment is squarely covered to the facts of the present case.

Faced with the situation, learned counsel for the petitioner does not press the present petition but prays that the petitioner be given time to appear before the trial court and surrender.

Consequently, this petition is dismissed. However, the petitioner is granted one week time from the receipt of a copy of this order to surrender before the trial court and on his doing so he will move an application for bail, which shall be decided within three days after filing of such application.

24.3.2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No