

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

CRM-M-20463-2021 (O&M)

Date of decision: 21.05.2021

Darampal

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Mansur Ali, Advocate for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Darampal, an accused in FIR No.237 dated 11.09.2014, for an offence under Section 25 of Arms Act, registered with Police Station Dera Bassi, District SAS Nagar, Mohali, who had absented from the proceedings and was declared as a proclaimed offender by the trial Court on 04.07.2017. Though absence of the petitioner from the Court resulting in his being declared as proclaimed offender on 04.07.2017 and till date has been tried to be explained for the reason that it was not intentional but on account of outbreak of corona disease but that Corona had surfaced in late 2019 and it was unheard of in the year 2016, 2017 or 2018 even. Therefore, the explanation rendered for absence from the Court by the petitioner/accused is least convincing.

As regards the plea taken that the procedure adopted for declaring the petitioner as proclaimed offender was defective, the same also does not come out to be convincing. Even otherwise, the petitioner/accused should surrender before the trial Court and raise such like pleas there. In **Mehnga Singh Vs. State of Punjab, 2002 (2) RCR (Criminal) 501**, a Co-ordinate Bench of this Court has observed that when an accused has been declared as a proclaimed offender, a petition under Section 482 Cr.P.C., impugning that order is not maintainable and accused should first move the Court which declared him a 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.

In this case, the petitioner does not specifically challenge the order declaring him as a proclaimed offender. Even otherwise, the Apex Court in judgment State of **Madhya Pradesh Vs. Pradeep Sharma, 2014 (1) RCR (Criminal) 269** has observed that when an accused is absconding and has been declared as a proclaimed offender in terms of Section 82 Cr.P.C., then, he should not be granted anticipatory bail.

Therefore, the petition is doomed for failure and is dismissed accordingly. The petitioner is directed to surrender in the trial Court and move application for regular bail, which be decided by

the trial Court as per law.

21.05.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No