

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48297-2021 (O&M)
Date of Decision:-10.12.2021

Mohamad Irshad Alam

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- None for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. Reader of this Court has informed that Ms. Rajwinder Kaur, Advocate for Mr. Parminder Singh Jassi, Advocate for the petitioner has sent a request for an adjournment through Whatsapp.
2. The aforesaid request is declined as this Court finds that even on the last date none had put in appearance on behalf of the petitioner.
3. A perusal of the heading of the petition shows that the instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in FIR No.121 dated 8.6.2014 registered at Police Station Phase-I, SAS Nagar, Mohali under Section 15/61/85 of Narcotic Drugs & Psychotropic Substances Act, wherein the petitioner is stated to have been declared a

proclaimed offender vide order dated 28.8.2014 (Annexure P-3) passed by learned Judge, Special Court, SAS Nagar, Mohali.

4. However, a perusal of Annexure P-3 shows that the same is an order dated 28.8.2014 vide which the petitioner had initially been granted bail by the Trial Court.
5. As per the averments made in the petition, the bail granted to the petitioner on 28.8.2014 had been cancelled and thereafter he was declared a proclaimed offender. Neither the said order regarding cancellation of bail order has been annexed with the petition nor any order vide which his application under Section 438 Cr.P.C. had been declined by the Trial Court, is annexed. In any case, keeping in view the conduct of the petitioner particularly the fact that he had been declared a proclaimed offender and also the ratio of State of Madhya Pradesh Vs. Pradeep Sharma, 2014(2) SCC 171 and Lavesh Vs. State (NCT of Delhi) 2012(8) SCC 730, wherein it has been held that a proclaimed offender should not be granted anticipatory bail, this Court is not inclined to grant the relief of anticipatory bail. The petition is sans merit and is hereby dismissed.
6. Learned counsel for the petitioner be more careful in future while filing the petition and to read his petition before filing the same so as to avoid mistakes as have been made in the instant petition.

10.12.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No