

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

**CRM-M-1343-2021(O&M)
Date of decision:-12.1.2021**

Jaspreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Ms.Satinder Kaur, Advocate
for the petitioner.

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 petitioner – Jaspreet Singh, aged 32 years, son of Malkit Singh, resident of village Nathuwala Jadid, P.S. Ajitwal, District Moga, an accused in case FIR No.89 dated 29.7.2016 for the offences under Sections 498-A IPC, registered with Police Station Ajitwal, District Moga, who has been declared as a proclaimed offender vide order dated 28.1.2019 passed by the trial Court.

It is contended on behalf of the petitioner that the petitioner was abroad when he was declared as a proclaimed offender and further the matter has since been compromised between the parties.

May it be so. 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.

However, petitioner is directed to surrender in the trial Court within a period of 15 days from today and in event of his doing so and moving application for regular bail, the same be disposed of by the trial Court expeditiously.

12.1.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No