

**CRM-M-50737-2019(O&M) and
CRM-M-52679-2019(O&M)**

-:1:-

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

1. CRM-M-50737-2019(O&M)

Dharamvir Dadra @ Lattu

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-52679-2019(O&M)

Dharamvir Dadra @ Lattu

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision :-9.7.2021

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

Present : Mr.M.S. Rana, Advocate
for the petitioner in both the petitions.

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Cases taken up through video conferencing.

Vide this order, I shall dispose of two petitions i.e. **CRM-M-50737-2019(O&M) and CRM-M-52679-2019(O&M).**

CRM-M-50737-2019 has been filed by petitioner Dharamvir Dadra @ Lattu, aged 35 years, resident of village Bhagwanpur, P.S.

CRM-M-50737-2019(O&M) and

CRM-M-52679-2019(O&M)

-:2:-

Lambra, Tehsil and District Jalandhar, being an accused in FIR No.144 dated 21.6.2018, under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered with Police Station Nakodar Sadar, District Jalandhar for pre-arrest bail. Whereas **CRM-M-52679-2019** has been filed by such petitioner for quashing of order dated 1.11.2018 vide which he had been declared as a proclaimed offender, though his service was not effected as he was outside India on 29.8.2017 and had returned on 5.10.2019 only.

At the very outset, it may be stated that both the petitions are not maintainable and are doomed for failure.

The law on the subject is very clear that a proclaimed offender is not entitled to grant of pre-arrest bail. In **State of Madhya Pradesh Versus Pradeep Sharma, 2014(1) R.C.R.(Criminal) 269**, Hon'ble Apex Court has categorically observed that 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.

This very view was earlier taken in another judgment by the Apex Court i.e. **Jagtar Singh Versus Satendra Kaur @ Bhavana Gro ver & Ors, 2002 Cri. L.R.(SC) 807**, wherein it was observed that normally when accused are absconding, there is no question of granting anticipatory or regular bail.

Therefore, **CRM-M-50737-2019** filed on behalf of petitioner/accused is doomed for failure.

As far as other petition i.e. **CRM-M-52679-2019** challenging the order declaring the petitioner as proclaimed offender, this Court in

judgment *Mehnga Singh Versus State of Punjab, 2002(2) R.C.R.(Criminal) 501*, has 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.

In the instant case, the petitioner instead of appearing in the trial Court and rendering requisite explanation for his not putting appearance in the Court despite publication of proclamation under Section 82 Cr.P.C. leading to his being declared as a proclaimed offender has opted to approach this Court seeking pre-arrest bail, which approach and tactics cannot be accepted. Therefore, **CRM-M-52679-2019** can also be not accepted.

Therefore, both the petitions stand dismissed accordingly.

However, it is observed that in case of petitioner appearing in the trial Court within 10 days from today and moving application for setting aside of order declaring him as a proclaimed offender and for grant of regular bail, the same be decided expeditiously.

(**H.S. MADAAN**)
JUDGE

9.7.2021
Brij

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**