

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

101

(Through Video Conferencing)

CRM-M-5877-2022

Date of decision: 11.02.2022

Kamaljit Virk

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kamaljit Singh Dhillon, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail in case FIR No.48 dated 22.07.2015 under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Jalandhar City, District Jalandhar.

At the very outset, a query was put to the learned counsel for the petitioner as to how the instant petition was maintainable since the petitioner was admittedly a proclaimed offender, having been declared as such on 20.01.2016. Learned counsel has submitted that since the petitioner had left India on 20.04.2015 prior to the registration of the FIR, he was unaware about the registration of the instant FIR against him. Learned counsel has submitted that it was only as recently as on 26.08.2021, that he learnt about the present case having been registered against him. It has also been submitted that the order declaring him a proclaimed offender was passed without following the proper procedure as envisaged under Section 82 Cr.P.C.

I have heard learned counsel for the petitioner and perused the material on record.

Admittedly, the petitioner absconded for as long as almost five years and he chose to come out of hiding only once the co-accused i.e. his parents after facing trial were acquitted by the trial Court.

Coming to the submission made by learned counsel that, there had been some procedural irregularity in declaring the petitioner a proclaimed offender, the same would not come to his rescue while deciding a petition under Section 438 Cr.P.C. for grant of anticipatory bail. The Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Pradeep Sharma : 2014(1) RCR (Criminal) 269*; *Vipin Kumar Dhir Vs. State of Punjab : 2021(4) RCR (Criminal) 378* and *Prem Shankar Prasad Vs. State of Bihar and another : 2021(4) RCR (Criminal) 598*, has held in no uncertain terms that an absconder is not entitled to the extraordinary concession of anticipatory bail. Admittedly, FIR No.9 dated 08.02.2016 under Section 174A IPC also stands registered at Police Station Women Cell, Jalandhar against the petitioner.

In the aforementioned facts and circumstances, this Court does not deem it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner, who admittedly was a proclaimed offender.

Dismissed.

11.02.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No