

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

103

CRM-M-14521-2022

Date of Decision : **April 06, 2022**

INAM

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Mandeep Nehra, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.50 dated 12.3.2022 under Section 174-A IPC, registered at Police Station Partap Nagar, District Yamuna Nagar.

The learned counsel for the petitioner has submitted that the present FIR has been lodged after 10 years after the petitioner was declared as a proclaimed offender.

I have heard the learned counsel for the petitioner.

It is a case where the petitioner was granted bail by the learned trial Court but he was declared as a proclaimed offender on 13.3.2012 and thereafter the present FIR under Section 174-A IPC was registered. The petitioner is a proclaimed offender till date and he has not challenged the order by which he was declared as a proclaimed offender. The Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Pradeep Sharma**, 2014(2) SCC 171 held that anticipatory bail on behalf of the

petitioner who is a proclaimed offender is not maintainable. The relevant portion of the aforesaid judgment is re-produced as under:-

“12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and was declared as "absconder". Normally, when the accused is "absconding" and declared as a "proclaimed offender", there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail."

In view of the aforesaid position, the present petition is, hereby, dismissed.

April 06, 2022
ajay-1

(JASGURPREET SINGH PURI)
JUDGE

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