

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

205-3

**CRM-M No.34483 of 2020
Date of Decision: 16.09.2022**

Amarjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. I.P.S. Kohli, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab
for respondent No.1-State.

MEENAKSHI I. MEHTA, J. (Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.245 dated 14.08.2007 registered at Police Station City Kapurthala, District Kapurthala, under Sections 420, 406 IPC and Section 24 of the Immigration Act 1983, the petitioner has moved this petition for seeking the relief of anticipatory/pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled by informant Surinderjit Singh in the subject FIR, are that the petitioner and his co-accused had duped him of an amount of Rs.7.96 lac on the pretext of sending his (informant's) son abroad (England).

3. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

4. Learned counsel for the petitioner contends that the absence of

the petitioner from the Court was not an intentional one and therefore, he deserves the relief as prayed for in the present petition.

5. Per-contra, learned State counsel argues that the petitioner had been declared a proclaimed offender vide the order dated 11.10.2013 and thus, he had evaded the process of the law as well as the Court for a long time and it being so, the instant petition be dismissed.

6. It has categorically been pleaded in para No.2 of the petition itself that the petitioner absented himself from the Court on 18.05.2011 and was, finally, declared a proclaimed offender on 11.10.2013. Hon'ble the Supreme Court has observed in **State of Madhya Pradesh vs. Pradeep Sharma (2014) 2 SCC 171** that "*when a person has been declared a proclaimed offender in terms of Section 82 Cr.P.C, he is not entitled to the relief of anticipatory bail*". These observations are fully applicable to the present case and in view of the same, it is explicit that the petitioner does not deserve the relief of anticipatory/pre-arrest bail.

5. As a sequel to the fore-going discussion, it follows that the instant petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

6. A copy of this order be sent to the concerned trial Court for necessary information.

16.09.2022
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(MEENAKSHI I. MEHTA)
JUDGE

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