

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

CRM M 37049-2022

Date of Decision: 23.8.2022

Joy Vig

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Shailender Kashyap, Advocate for the petitioner

Mr.Tanuj Sharma, AAG, Haryana

...

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail to him in FIR No.693 dated 20.8.2017 under Section 379B of the IPC (Sections 411, 420, 482 IPC added lateron) registered at Police Station Surajkund Faridabad as due to non-appearance on one date i.e. 14.01.2020, petitioner's bail was cancelled and the bail bonds were forfeited to the State by the trial court vide order dated 14.01.2020 (Anexure P-3) and the petitioner has been declared as proclaimed offender vide order dated 22.2.2021.

Learned counsel for the petitioner contends that the petitioner was arrested on 26.2.2018 and was granted bail on 1.9.2018 by the trial court. Thereafter, the petitioner has been regularly appearing

before the trial court on all the dates. However, due to misunderstanding of the date on 14.1.2020 and later due to COVID-19 pandemic, the courts were working in a restricted manner, the petitioner could not appear before the trial court. The petitioner has been declared as proclaimed offender vide order dated 22.2.2021.

On the contrary, learned counsel for the State submits that the petitioner is not entitled for concession of grant of bail as he did not appear before the court deliberty which resulted into declaring him proclaimed offender.

Having heard learned counsel for the parties and going through the paper-book, the submission of the learned counsel for the petitioner that due to pandemic of COVID, the petitioner could not appear before the trial court, is misconceived. Even during period of pandemic of COVID, the courts were regularly functioning through virtual mode to deal with such type of urgent matters. It reveals that the petitioner did not deliberately appear before the trial court which resulted into cancellation of his bail and forfeiture of his bail bonds on 14.1.2020 and therefore, he has been declared proclaimed offender on 22.2.2021. The petitioner has not even taken any legal recourse for more than 2-1/2 years and now the petitioner has approached this Court by filing this petition on 18.8.2022. This itself shows that the petitioner has been deliberately evading the process of law intentionally and deliberately by absconding till date. He is a proclaimed offender. It is settled proposition of law 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 Cr.P.C, he is not entitled to the relief of

anticipatory bail. This view of mine is fortified by the judgment of the Hon'ble Supreme Court in case **State of M.P. vs. Pradeep Sharma, 2014 (1) RCR (Criminal) 269.**

In view of the above and keeping in view the nature of averment and conduct of the petitioner, I do not deem it fit to extend the concession of anticipatory bail to the petitioner.

Dismissed.

(ASHOK KUMAR VERMA)
JUDGE

23.8.2022
MFK

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>