

**CRM-M-41178-2022 and
CRM-M-41328-2022**

-1-

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

**CRM-M-41178-2022
Date of Decision: 09.09.2022**

(I)

Mohammand Ikram

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-41328-2022

(II)

Mohammand Ikram

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhupinder Ghai, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

Both the petitions are taken up together for final disposal since the petitioner in the present cases is the same and the facts are interlinked with each other.

CRM-M-41178-2022 has been filed seeking grant of anticipatory bail in FIR No.79 dated 20.03.2017, registered under Section

174-A IPC at Police Station Parao, Ambala Cantt, District Ambala, whereas CRM-M-41328-2022 has been filed seeking quashing of the order dated 14.06.2022 passed by learned ACJM, Ambala whereby the petitioner was declared as a proclaimed person.

Learned counsel for the petitioner in both the cases has submitted that initially when an FIR was lodged against the petitioner under Sections 332 and 353 IPC read with Section 34 IPC, he has since been acquitted in that FIR and during the pendency of the aforesaid FIR the petitioner was declared as proclaimed person and thereafter, FIR under Section 174-A IPC was registered but the petitioner has since been acquitted in the main FIR itself, further proceedings under Section 174-A IPC would not serve any useful purpose and therefore, he may be granted anticipatory bail and also the order by which he is now being declared as proclaimed person again may also be quashed.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has given sequence-wise details of the present case by submitting that when earlier FIR No.173 dated 22.08.2009 was registered against the petitioner under Sections 332 and 353 IPC read with Section 34 IPC, he was declared as a proclaimed person vide order dated 15.12.2014 and he remained proclaimed person for long time but thereafter in the aforesaid FIR, the petitioner was acquitted on the basis of benefit of doubt on 07.07.2017. He further submitted that the petitioner continued to remain as a proclaimed offender in that FIR and the present FIR which was lodged against him under Section 174-A IPC also remained pending. Thereafter, vide Annexure P-1 of CRM-M-41328-2022 the petitioner was

again declared as a proclaimed person vide order dated 14.06.2022 in the FIR No. 79 dated 20.03.2017, registered under Section 174-A IPC. He further submitted that in this way, the petitioner has again been declared as a proclaimed person even in an FIR pertaining to Section 174-A IPC and therefore, the facts of the present case would reflect that the petitioner is habitual in remaining absent and there is no ground available with the petitioner to challenge the aforesaid order dated 14.06.2022. He further submitted that the petitioner instead of surrendering before the learned trial Court filed anticipatory bail which is otherwise not maintainable in view of the judgment of the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma [2014(2) SCC 171]***.

I have heard the learned counsel for the parties.

These are two petitions filed, in one petition the petitioner has challenged the order by which he has been declared as a proclaimed person in FIR under Section 174-A IPC and in the other case he is seeking anticipatory bail in the same FIR. So far as the challenge to the order dated 14.06.2022 whereby the petitioner has been declared as a proclaimed person in an FIR pertaining to Section 174-A IPC is concerned, the petitioner has not been able to make out any ground for challenging the same. Rather it is a case where earlier the petitioner was declared as a proclaimed person in the main FIR i.e. FIR No.173 dated 22.08.2009 wayback in the year 2014 but he did not join the proceedings and thereafter, FIR under Section 174-A IPC was registered against him in which again he has been declared as a proclaimed person since he is absenting and has not surrendered in the aforesaid FIR. In this way, the conduct of the petitioner has disintitiled him

**CRM-M-41178-2022 and
CRM-M-41328-2022**

-4-

for seeking any releif for the grant of anticipatory bail, Moreover, the petitioner would not be entitled for the grant of anticipatory bail in view of the judgment of the Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Pradeep Sharma (Supra)*.

In view of the above, both the petitions are devoid of any merit and the same are hereby dismissed.

09.09.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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