

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

CRM-M-47415-2022
Decided on : 27.10.2022

Gulam Mustfa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. M.S.Rana, Advocate
 for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.32 dated 23.11.2016 under Sections 382 and 34 IPC registered at Police Station Narot Jaimal Singh, District Pathankot.

In compliance of order dated 17.10.2022, Sr. Superintendent of Police Gurdaspur has come present before this Court as Sr. Superintendent of Police, Pathankot is on Ex India Leave. Sr. Superintendent of Police, Gurdaspur submits that earnest efforts are being made to arrest the petitioner, who was declared proclaimed offender on 20.09.2018.

Learned counsel for the petitioner has failed to bring to the notice of this Court any material change in circumstances subsequent to the withdrawal of the previous petition seeking similar relief on 01.12.2020 rather during the interregnum, the petitioner, as already apprised by the Sr. Superintendent of Police, Gurdaspur, has been declared a proclaimed offender vide order dated 20.09.2018 (Annexure P-4).

It would be relevant to observe that when an accused absconds to avoid execution of warrants and resultantly, is declared a proclaimed offender as per the provisions of Section 82 Cr.PC, he would not be entitled to the discretionary relief of anticipatory bail as has been laid down by the Hon'ble Supreme Court in plethora of cases including *Lavesh vs. State (NCT of Delhi), 2012 (8) SCC 730 and Prem Shankar Prasad vs. State of Bihar, 2021(4) RCR (Crl.) 598*.

In the aforementioned circumstances, this Court does not deem it appropriate to extend the concession of anticipatory bail much less entertain the instant petition under Section 438 Cr.PC. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.10.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No