

2023:PHHC:114192

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARHCRM-M No.10662 of 2023
Date of Decision: 31.08.2023

Ashok Kumar

.....Petitioner.

Versus

State of Haryana

.....Respondent.

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

Present:- Mr. Pankaj Bali, Advocate, appearing for
Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. D.A.G, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has made the 2nd attempt to seek the relief of anticipatory bail in the criminal case arisen out of FIR No.162 dated 11.07.2022 registered at Police Station City Safidon, District Jind, under Section 174-A IPC. It is pertinent to mention here that the petition bearing **CRM-M No.33933 of 2022**, filed by him (petitioner) earlier for seeking the same relief, had been dismissed by this Court vide the order dated 01.09.2022 (Annexure P-1) as having been withdrawn.

2. Status-Report has already been submitted on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Detective, Jind, District Jind.

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

4. Learned counsel appearing for the petitioner contends that the petitioner did not have any knowledge qua the institution of the Criminal Complaint against him which has, ultimately, led to the registration of the subject FIR, because he had never ever been properly served the notice or summons in respect thereof and thus, it is explicit that he has been wrongly declared proclaimed person and in these circumstances, he (petitioner) deserves the relief, as prayed for in the instant petition.

5. Per contra, learned State counsel argues that the petitioner, being a proclaimed person, is not entitled to the concession of anticipatory bail and it being so, the present petition be dismissed.

6. A perusal of the file reveals that vide the order Annexure P-4 passed by the trial Court in the Criminal Complaint Case No. **NACT 237 of 2015** as instituted against the petitioner, he was declared a proclaimed person. The contentions qua the petitioner having no knowledge about the filing of the said Complaint Case against him and also regarding his having never ever been duly served the summons/notice in the said case, cannot be looked into and adjudicated upon by this Court while deciding the instant bail petition. Moreover, it has also categorically been held by Hon'ble the Supreme Court in **Prem Shankar Prasad Vs. State of Bihar and another, 2021 SCC Online SC 955**, that "*an absconder/proclaimed offender is not entitled to the relief of anticipatory bail.*" Similar view had, earlier, been

taken by the Apex Court in the cases titled as **Lavesh Versus State (NCT of Delhi) 2012(8) SCC 730** and **State of Madhya Pradesh Versus Pradeep Sharma (2014) 2 SCC 171**. The present case squarely falls within the four corners of the afore-cited observations and in the light thereof, it becomes crystal clear that the petitioner does not deserve the relief, as sought by him in this petition.

7. As a sequel to the fore-going discussion, it follows that the present petition, being *sans* any merit, deserves dismissal. Resultantly, the same stands dismissed accordingly.

August 31, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

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