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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.30632 of 2023 (O&M)
Date of Decision: 25.07.2023

Sarjeet and Another Petitioners
V/s.
State of HaryanaRespondent

CORAM: **HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Azad Khan, Advocate
for the petitioners.

Ms. Naveen Kumar Shoeran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The petition has been filed under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in case FIR No.74 dated 08.03.2019 under Section 379 IPC, 1860 registered at Police Station Kasola, District Rewari.
2. Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case and earlier they were facing trial and therefore could not attend Court in the months of July and October, 2021 due to COVID-19 and thereafter they were declared as Proclaimed Offenders (POs) vide order dated 14.07.2022 by the trial Court. He further submitted that because of COVID-19, they could not appear before the Court and prayed for grant of anticipatory bail.
3. On the other hand, learned State counsel submitted that the present petition by the petitioners is not maintainable in view of the fact that the petitioners

were declared as Proclaimed Offenders on 14.07.2022 and instead of surrendering before the police, they have chosen to file anticipatory bail which is not maintainable in view of the judgment of Hon'ble Supreme Court passed in "**State of Madhya Pradesh vs. Pradeep Sharma**" [2014(2) SCC 171], the present petition is not maintainable and there is no special circumstance stated by the petitioner to maintain the present petition.

4. I have heard learned counsel for the parties.

5. Both the petitioners were stated to be Proclaimed Offenders. The Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Pradeep Sharma (supra)** observed as under:

"12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and was declared as "absconder". Normally, when the accused is "absconding" and declared as a "proclaimed offender", there is no question of granting anticipatory bail. We reiterate 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 Code he is not entitled to the relief of anticipatory bail."

6. In the present case, learned counsel for the petitioners has not been able to make out any case or any strong reason for maintaining the present petition.

7. Consequently, the present petition is dismissed.

25th July, 2023

Sonia Puri

(JASGUPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No