

**105**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT**  
**CHANDIGARH**

CRM-M-32221-2023 (O&amp;M)

Date of Decision: 07.07.2023

**Rajinder Singh @ Rajinder Kumar**

....Petitioner(s)

Versus

**State of Punjab**

.....Respondent(s)

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

Present: Ms. SumanKumari, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.44 dated 14.07.2019, under Sections 61/1/14 of Excise Act, registered at Police Station Ghanaur, District Patiala, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and the other co-accused namely Hardeep Kumar @ Deepu has been granted bail by this Court. She submitted that although the petitioner has been declared as a proclaimed offender but the order of declaring him as a proclaimed offender was not in accordance with law and, therefore, the petitioner may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab

has submitted that he has received an advance copy of the present petition and he has also sought instructions from the concerned police official. He submitted that the present petition is not maintainable in view of the fact that the petitioner has already been declared as a proclaimed offender on 06.05.2023 and in view of the judgment of the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma [2014(2) SCC 171]*** the petitioner is not entitled for the grant of anticipatory bail. He submitted that after the petitioner was declared as a proclaimed offender even an FIR under Section 174-A IPC was registered against the petitioner.

4. I have heard the learned counsel for the parties.

5. Learned State counsel has raised preliminary objection with regard to the maintainability of the present petition in view of the judgment of the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma (Supra)***. The relevant portion of the aforesaid judgment is reproduced 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. Admittedly, the petitioner has already been declared as a

proclaimed offender in the present case itself on 06.05.2023 and as per the learned counsel for the petitioner, the aforesaid P.O order has not been challenged in any Court. There are no strong reasons given by the learned counsel for the petitioner as to why the present petition should be entertained despite the fact that the petitioner was declared as a proclaimed offender and therefore the prayer for the grant of anticipatory bail is not maintainable.

7. Consequently, the present petition is dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

07.07.2023

rakesh

Whether speaking  
Whether reportable

(JASGURPREET SINGH PURI)  
JUDGE

: Yes/No  
: Yes/No