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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31811-2023 (O&M)

Date of Decision: 06.07.2023

Raghubir Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashok K. Sharma Bhana, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.123 dated 11.06.2023, under Sections 174-A IPC, registered at Police Station City Safidon, District Jind.

2. Learned counsel for the petitioner has submitted that against the petitioner proceedings under Section 138 of the Negotiable Instruments Act, 1881 were lodged in which he did not appear for some time and thereafter he was declared as a proclaimed offender and consequently, the present FIR under Section 174-A IPC was lodged against the petitioner. He submitted that the petitioner is doing agriculture work in Madhya Pradesh and in view of the aforesaid position, he may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana

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 04.05.2023 and the present FIR has been lodged under Section 174-A IPC after being declared as a proclaimed offender in accordance with law. He submitted that since the petitioner is a proclaimed offender, the present petition is not maintainable especially in view of the judgment of the Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Pradeep Sharma [2014(2) SCC 171]*.

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 04.05.2023. 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.

06.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No