

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34909-2023 (O&M)
Date of Decision: 18.08.2023

(I)
Harbans Singh and others

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-32037-2023 (O&M)

(II)
Harbans Singh and others

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Brar, Advocate and
Mr. Brijesh, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal since in one petition the prayer is for grant of anticipatory bail and in the second petition the challenge is made to the order dated 15.05.2023 by which the petitioners have been declared as proclaimed offenders by the learned trial Court.

2. CRM-M-34909-2023 by which the challenge has been laid to the order dated 15.05.2023 passed by the learned trial Court by which the

petitioners have been declared as proclaimed offender shall be taken up first for consideration.

3. Learned counsel for the petitioners have submitted that the petitioners have been wrongly declared as proclaimed offenders since prior to declaration of proclaimed offenders, they have filed an application for grant of anticipatory bail. He further submitted that proper procedure as laid down under Section 82 of the Code of Criminal Procedure has not been followed and therefore, the impugned order is liable to be set aside.

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

5. A perusal of the order and the other documents which have been now attached with CRM-33975-2023 would show that there is no infirmity in the procedure followed under Section 82 of the Code of Criminal Procedure. Learned counsel for the petitioners has not been able to make out any ground as to how the provision of Section 82 of the Code of Criminal Procedure has not been complied with.

6. Consequently, the present petition is dismissed.

CRM-M-32037-2023

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR No.184 dated 20.12.2022, under Sections 302/148/149 IPC and Section 25/27 of Arms Act, registered at Police Station Mamdot, District Ferozepur, Punjab.

2. The present petition has been filed for grant of anticipatory bail. The petitioners have already been declared as proclaimed offenders 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 present petition for grant of anticipatory bail is not maintainable. 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."

3. Consequently, the present petition is dismissed.

18.08.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No