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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51012-2023(O&M)

Date of Decision:09.10.2023

Deepak Kapoor

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Robin Singh Hooda, Advocate, for the petitioner.

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.763 dated 11.07.2023, under Section 174-A IPC, registered at Police Station City, Panipat.

2. Learned counsel for the petitioner has submitted that the petitioner was declared as a proclaimed person by the learned Judicial Magistrate First Class, Panipat on 07.07.2023. He submitted that thereafter the present FIR under Section 174-A IPC was lodged regarding which the present anticipatory bail petition has been filed.

3. I have heard the learned counsel for the petitioner.

4. This Court had put a specific query to the learned counsel for the petitioner during the course of arguments as to whether the petitioner is as of today also P.O and as to whether he has challenged the P.O order or not to which he stated that he has not challenged the P.O order and he is a

P.O.

5. The Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Pradeep Sharma, 2014(2) SCC 171* held that anticipatory bail on behalf of the petitioner who is a proclaimed offender is not maintainable. The relevant portion of the aforesaid judgment is re-produced 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 view of the above, the present petition is hereby dismissed.

09.10.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking
Whether reportable

: Yes/No
: Yes/No