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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54985-2023

Date of Decision: 03.11.2023

Amarpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vipin Mahajan, 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 case bearing FIR No.78 dated 31.03.2023, under Sections 304, 34 IPC, registered at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner submitted that the petitioner is falsely implicated in the present case and he is not involved in any case and has clean antecedents.

3. However, at this stage Mr. Ramdeep Partap Singh, learned Senior DAG, Punjab as well as Ms. Manveen Kahlon, learned counsel appearing on behalf of the complainant have informed this Court that the petitioner is already a proclaimed offender in the present case itself, and therefore, the present petition for grant of anticipatory bail is not maintainable.

3. Learned counsel for the petitioner submitted that he had no knowledge with regard to the aforesaid position.

4. The Hon'ble Supreme Court in "State of M.P Vs Pradeep Sharma", 2014(2) SCC 171, observed that a person, who is already declared as proclaimed offender cannot be considered for grant of anticipatory bail.

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."

5. In view of the aforesaid position where the petitioner is already P.O. in the present case and seeking prayer for grant of anticipatory bail, no such anticipatory bail can be granted to the petitioner, and therefore, the present petition is dismissed.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

03.11.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No