

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-11618-2024
Date of decision: 05.03.2024

Punjab SinghPetitioner
Versus
State of PunjabRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Malkiat S. Hundal, Advocate for the petitioner.
Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C. seeking concession of anticipatory bail in case FIR No.114 dated 14.03.2018 under Sections 307/326/323/341/148/149 of the Indian Penal Code, 1860 registered at Police Station Civil Lines, Amritsar.
2. The earlier anticipatory bail petition bearing No.CRM-M-55333-2022, filed by the petitioner was dismissed by this Court vide judgment dated 24.04.2023 (Annexure P-5) by passing a detailed order. Now, the instant (second) petition has been filed by the petitioner on the ground that other three co-accused namely Vijay Hans, Ajay Kumar and Vishnu have been granted regular bail by this court vide orders dated 18.12.2023 and 24.01.2024.
3. During the course of hearing, learned State counsel has produced copy of the order dated 28.09.2023 passed by learned Chief Judicial Magistrate, Amritsar, whereby the petitioner along with his co-accused namely Goldy have been declared as proclaimed persons.

However, the said fact has not been disclosed in the present petition.

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4. I have heard learned counsel for the parties and perused the relevant documents.
5. Since the petitioner has already been declared as proclaimed person, he is not entitled for concession of anticipatory bail. Hon'ble Supreme Court in its judgment passed in *State of M.P. Vs. Pradeep Sharma : 2014 (1) RCR (Criminal) 269* has held 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 Cr.P.C, he is not entitled to the relief of anticipatory bail.
6. Moreover, the petitioner has not only been declared as proclaimed person, he has also concealed the said fact as in para 9 of the instant petition it has been stated that the petitioner has not been declared PO by any court of law. It is a well-settled proposition of law that a person who does not approach the Court with clean hands is not even entitled to be heard on the merits of the case. Reference in this regard can be made to the judgments of the Hon'ble Supreme Court in *Dalip Singh Vs. State of U.P. and others : (2010) 2 SCC 114* and *Amar Singh Vs. Union of India and others : 2011(7) SCC 69*.
7. In view of the above, the instant petition is dismissed with costs of Rs.25,000/-, to be deposited with the Punjab and Haryana High Court Lawyers Welfare Fund within a period of 01 month.

05.03.2024
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(NAMIT KUMAR)
JUDGE

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