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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20287-2024 (O&M)
Date of decision: 25.04.2024

Kasim ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Rosi, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.161 dated 26.02.2020 registered under Sections 406, 420 IPC and Section 120-B IPC (Section 34 IPC added later on and Section 120-B of IPC deleted) at Police Station Suraj Kund, District Faridabad.
2. Counsel for the petitioner submits that petitioner is falsely implicated in the present case and is wrongly declared as proclaimed person by the Court concerned and that petitioner is ready to join investigation with the police.
3. Notice of motion.
4. Mr. Neeraj Sheoran, DAG, Haryana accepts notice on behalf of the State and on instructions from ASI Narender submits that the bail application filed by the petitioner was dismissed by the Court of Additional Sessions Judge, Faridabad vide order dated 23.11.2023 wherein it has been

specifically observed that petitioner was declared as proclaimed person by the Court of Judicial Magistrate, Faridabad in the present case. The State counsel further submits that in the given circumstances, the present petition filed by petitioner under Section 438 Cr.P.C. is not maintainable, as the petitioner has failed to challenge the aforesaid order whereby he has been declared as proclaimed person.

5. The Hon’ble Supreme Court in **Lavesh Vs. State (NCT of Delhi) 2012 (4) RCR (Criminal) 240** has held that when the accused is absconding and declared as proclaimed offender, there is no question of granting anticipatory bail to him.

6. In light of the above, the present petition is hereby dismissed.

25.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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