

203-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30924-2023
Date of decision: 18.01.2024

MAAN SINGH AND OTHERS
V/S
STATE OF HARYANA
...PETITIONERS
...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Balvinder Sangwan, Advocate
 for the petitioners.

 Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.784 dated 27.12.2001 (Annexure P-1) registered under Sections 365 and 34 of IPC, 1860 at Police Station City Ballabgarh, District Faridabad.

2. Learned counsel for the petitioner *inter alia* contends that the facts of the case clearly indicate that it is a case, where, extra-ordinary circumstances are in favour of the petitioner entitling him to grant of anticipatory bail, even if, he has been declared as proclaimed offender vide order dated 24.12.2002 (Annexure P-2). The extra-ordinary circumstances are that there is no one to prosecute against petitioners and the co-accused have already been acquitted for non-prosecution. The complainant, investigating officer as well as the victim have already passed away. Reliance in this regard has been placed upon the judgment dated 01.02.2022 titled as *Mamta Giri vs. State of U.T.*

Chandigarh bearing No.CRM-M-3052 of 2022.

3. Learned State counsel opposes the prayer of the petitioner and places reliance upon the judgments in *Vipan Kumar Dhir v. State of Punjab and another, 2021(4) RCR (Criminal) 378* and *Lavesh v. State (NCT) of Delhi (2012) 8 SCC 730* to contend that once the petitioner has been declared proclaimed offender, relief of anticipatory bail to the petitioner is not maintainable.

4. Having heard learned counsel for the parties and keeping in view the ratio of law laid down in *Lavesh* (supra) and *Vipan Kumar Dhir* (supra), the present petition being non-maintainable, stands dismissed.

January 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No