

CRM-M-41720-2025
Date of decision: 11.08.2025

Versus

....Respondent

1. Petitioner has filed present petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.0137, dated 29.10.2019 (Annexure P-1) under Sections 341, 323, 324, 326, 506, 201, 148 and 149 of IPC registered at Police Station Nangal, District Rupnagar.
2. Learned counsel for petitioner contended that co-accused who is the main accused has already been granted concession of anticipatory bail by the Coordinate Bench of this Court on 29.01.2020 passed in CRM-M-53183-2019. He undertakes that the petitioner is ready and willing to surrender before the trial Court.
3. On the other hand, learned State counsel submitted that present petitioner kept evading his arrest for the last 5 years and proceedings under Sections 82 Cr.P.C. were initiated against him and in these circumstances, the petitioner is not entitled to be released on anticipatory bail.
4. The allegation against the petitioner is that he actively participated in the commission of crime. As per para No.8 of the status report filed by the State, petitioner being member of unlawful assembly is

also equally liable for causing grievous injury to Lakhwinder Singh. Moreover, he remained at large since the date of incident and kept on evading his arrest till date. Now proceedings under Section 82 of Cr.P.C. have been initiated against him.

5. Admittedly petitioner has been evading his arrest and proceedings under Section 82 of Cr.P.C. have been initiated against him. The only question for consideration in these petition is whether this Court is justified in granting anticipatory bail under Section 482 of BNSS, 2023 to the petitioner when the investigation is pending, particularly, when the accused/petitioner has been absconding all along and not cooperating with the investigation. The Supreme Court in **“State of Madhya Pradesh V. Pardeep Sharma” (S.C.) 2014(1) RCR(Criminal) 269**, considering the scope of granting relief under Section 438 of Cr.P.C. to a person who was declared as an absconder or proclaimed offender, held as under;-

“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. It is clear from the above decision that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail. Undisputedly, proceeding

under Section 82 of Cr.P.C. have already been initiated against the petitioner and as per the settled proposition of law, he should not be granted bail, being an absconder.

7. Considering the submissions made by learned counsel for both the parties and keeping in view the contents of the status report, as also, taking note of the facts of the present case, no ground is made out to grant the concession of anticipatory bail. Accordingly, the present petition is dismissed.

(SUBHAS MEHLA)
JUDGE

11.08.2025
monika

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