



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

114

CRM-M-56716 of 2025 (O&M)

Date of Decision: 28.01.2026

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Viresh Dahiya, Advocate
for the petitioner.

Mr. Gagandeep Singh China, Sr. DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.205 dated 22.05.2021 registered under Sections 148, 307,323,325, 427, 452,506 of the Indian Penal Code, 1860 at Police Station Sadar Jind, District Jind.

2. Brief facts as per the prosecution case are that petitioner along with co-accused, being member of unlawful assembly, attacked the complainant and caused simple as well as grievous injuries. Hence, the present FIR was registered.

3. At the very threshold, on 09.10.2025 learned state counsel objected to the maintainability of the present petition on the ground that the petitioner has not approached this Court with clean hands as he has been declared proclaimed person and thus, does not deserve the concession of



anticipatory bail from this Court in view of law laid down by the Hon'ble Supreme Court in case of *Lavesh v. State (NCT of Delhi)*, (2012) 8 SCC 730; *State of Madhya Pradesh v. Pradeep Sharma*, (2014) 2 SCC 171; *Abhishek v. State of Maharashtra*, (2022) 8 SCC 282 etc.

4. Learned counsel for the petitioner submits that the present bail petition was filed on 06.10.2025 whereas, he was declared proclaimed person on 17.10.2025. He further submits that there is no absolute bar for proclaimed person to seek anticipatory bail.

5. Learned State counsel has rebutted the contention of the learned counsel for the petitioner and submits that the petitioner was declared proclaimed person on 03.10.2025 and the same can be verified from the zimini orders dated 03.10.2025 and 17.10.2025. He further submits that the present petition deserves to be dismissed since the petitioner was declared a proclaimed person before filing of the present petition.

6. I have heard learned counsel for the parties and perused the paperbook. In the present petition, though the learned counsel for the petitioner contends that he was declared proclaimed person on 17.10.2025 i.e. after filing of the present petition on 06.10.2025, but this Court does not find merit in his argument. As per the attendance in the zimini order dated 03.10.2025, the petitioner was proclaimed person and the same fact has been clarified by the learned Trial Court vide its zimini order dated 17.10.2025. Moreover, it is established law that a proclaimed person is not entitled to the relief of anticipatory bail.

7. In *Lavesh (supra)*, (Para 10), Hon'ble Supreme Court has held as under:



“(10). ... 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 is not entitled the relief of anticipatory bail.”

8. In **Pradeep Sharma, (supra)**, Para 10, Supreme Court placing reliance upon **Lavesh v. State**, held that 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.

9. In **Abhishek (supra)**, the Hon’ble Supreme Court after relying upon its earlier decision in case of **Prem Shankar Prasad v. State of Bihar and Anr.: (2021) SCC OnLine SC 955**; has held that when accused is absconding and declared as proclaimed offender, no question arises of giving him benefit of section 438 CrPC, 1973. The releant part of the order is reproduced as under:

“21. As regards the implication of proclamation having been issued against the appellant, we have no hesitation in making it clear that any person, who is declared as an 'absconder' and remains out of reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence. By way of reference, we may observe that in relation to the indulgence of pre-arrest bail in terms of section 438 CrPC, 1973 this Court has repeatedly said that when an accused is absconding and is declared as proclaimed offender, there is no question of giving him the benefit of section 438 CrPC, 1973. For example, Prem Shankar Prasad v.



State of Bihar and Anr.: (2021) SCC OnLine SC 955. What has been observed and said in relation to section 438 CrPC, 1973 applies with more vigour to the extraordinary jurisdiction of this Court under Article 136 of the Constitution of India. The submissions on behalf of the appellant for consideration of his case because of application of stringent provisions impinging his fundamental rights does not take away the impact of the blameworthy conduct of the appellant. Any claim towards fundamental rights also cannot be justifiably made without the person concerned himself adhering to and submitting to the process of law.”

10. In view of the facts and circumstances of the present case and established legal position by the Hon’ble Supreme Court, this Court is of the opinion that present petition lacks merit. Moreso, the petitioner has not approached this Court with clean hands and withheld the factum of being declared a proclaimed person. Hence, the present petition is dismissed.

11. It is made clear that nothing stated hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

28.01.2026

Puneet...

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