

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

(Heard through VC)

CRM-M-11156 of 2021 (O&M)
Date of Decision: March 10, 2021

Sangam Verma

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Kumar, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.260 dated 11.05.2015, under Sections 420, 120-B of Indian Penal Code, registered at Police Station Manimajra, Chandigarh, in which the petitioner has been declared as proclaimed offender vide order dated 24.07.2018 without effective service.

Counsel for the petitioner herein would contend that in fact, the matter stood settled between the parties, as would be evident from the fact that a draft of ₹ 62,500/- had been handed over to the complainant, without prejudice to the rights of the accused. On the handing over the amount, the anticipatory bail had been allowed to the petitioner as well as his father by an order dated 28.07.2015. Counsel for the petitioner submits that as he

had been allowed anticipatory bail and the disputed amount has already been handed over to the complainant, he thought that he was not required to put in an appearance before the trial court in the proceedings that had been initiated against him. It is submitted that he was totally unaware of the proceedings as a copy of the challan was not served upon him and that he became aware of the proceedings against him and his father, when his father was arrested by the police on 01.02.2021 in his absence. It is submitted that the petitioner had been declared as proclaimed offender on 24.07.2018. It is argued that the matter already stands settled between the parties, as such, sending him behind bars would not serve any purpose. Counsel for the petitioner would contend that he is ready to face the proceedings before the trial court.

Notice of motion.

At this stage, Mr. Anil Kumar Lamdharia, APP, U.T., Chandigarh, who is present in the court, accepts notice on behalf of the respondent-Chandigarh Administration. It is contended that the petitioner was declared as proclaimed offender as far back as 24.07.2018 and he had every opportunity to move an application to have the PO order set aside.

I have heard counsel for the parties and have perused the impugned order.

While allowing anticipatory bail to the petitioner and his father in the matter by an order dated 28.07.2015, the Addl. Sessions Judge, Chandigarh, had taken into account that a cheque of ₹ 62,500/- had been handed over to the complainant, which became the basis for allowing anticipatory bail to the petitioner and his father. This court is of the opinion

that no useful purpose would be served in sending the petitioner behind bars. However, keeping in mind the judgment rendered by the Supreme Court in *State of M.P. vs. Pardeep Sharma, AIR 2014 SC 626* that an absconder should not be allowed anticipatory bail, this court directs the petitioner herein to surrender before the trial court on or before 20.03.2021 and move an application to get his PO order set aside, which application shall be decided by the trial court in accordance with law. On his surrendering before the trial court on or before 20.03.2021, the petitioner be admitted to bail by the trial court on his furnishing the adequate personal bond and surety bond to its satisfaction. Arrest of the petitioner is accordingly stayed limited till 20.03.2021.

Needless to say, in case, the petitioner does not surrender before the trial court within the stipulated period, any interim protection granted to him shall stand automatically vacated.

The petition stands disposed of with the aforesaid directions.

March 10, 2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No