

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32800 of 2021

Date of Decision: 17.11.2021.

Shakuntla Devi

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

None for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending her arrest in the criminal case arising out of the FIR bearing No.56 dated 12.05.2021 registered at Police Station Division No.1, Pathankot, under Section 174-A of IPC, the petitioner has moved this petition for seeking the relief of anticipatory bail.

The facts, in brief, culminating in the registration of the subject FIR, are that one Satinder Singh preferred a Complaint Case against the petitioner under Section 138 of the Negotiable Instruments Act, 1881. However, despite the issuance of bailable as well as non-bailable warrants by the trial Court against her (petitioner), she failed to appear before the Court and finally, the proceedings under Section 82 Cr.P.C were carried out against her and vide the order dated 19.04.2019, she was

declared a proclaimed person/absconder and consequent thereupon, the present FIR has been registered against her.

Status-report, by way of the affidavit of Deputy Superintendent of Police, Sub-Division City Pathankot, has already been filed on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner has contended that the petitioner never came to know about the filing of the above-said Complaint Case against her and therefore, she had wrongly been declared a proclaimed person in the said case and even otherwise, the petitioner has already surrendered before the trial Court in the above-said case and vide the order Annexure P-3, she had been released on bail on 15.04.2021 and it being so, she deserves the relief as prayed for in this petition.

Per-contra, learned State counsel has argued that the petitioner evaded her appearance before the trial Court in connection with the above-said Complaint Case and therefore, she was rightly declared a proclaimed person/absconder and keeping in view these circumstances, the instant petition be dismissed.

Although, vide order Annexure P-3, the petitioner has been granted the relief of bail in the above-said Complaint Case but however, the fact remains that as specifically mentioned in Para 3 of the Status-report, her presence/appearance could not be procured in the said case

despite the issuance of bailable as well as non-bailable warrants which led to the issuance of the proclamation against her as envisaged under Section 82 Cr.P.C. It has been held by the Apex Court in **State of Madhya Pradesh vs. Pardeep Sharma (2014) 2 SCC 171** that “if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of Cr.P.C. he is not entitled to the relief of anticipatory bail.” These observations are fully applicable to the present matter and in the light of the same, it is explicit that the petitioner cannot be granted the relief of anticipatory bail in this case.

As a sequel to the fore-going discussion, it follows that the instant petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

17th November, 2021.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No