IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CRM-M-3813-2020
Decided on : 25.04.2022

Lakhvir Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Amandeep Singh Saini, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

****

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case complaint No. 293/2018 dated 22.05.2018 under Sections 138 and 142 of the Negotiable Instruments Act, 1881 filed by respondent No. 2.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was declared as proclaimed offender and he had filed a petition for quashing of the said order declaring him as proclaimed offender i.e. CRM-M-4174-2020 in which, vide order of even date, the following order has been passed:-

> *The present petition has been filed under Section 482 Cr.P.C. for quashing/setting aside the impugned order dated 24.05.2019 (Annexure P-2) passed by Judicial Magistrate 1st Class, Moga vide which the petitioner is wrongly and illegally declared as proclaimed person in complaint No. 293/2018 dated 22.05.2018 under Sections 138 and 142 of the Negotiable Instruments Act, 1881.*
>
> *Learned counsel for the petitioner has submitted that in the present case, there is a possibility*

MEHAK HURIA
2022.04.27 19:10
I attest to the accuracy and
integrity of this document

of compromise between the parties and in view of the same, he seeks permission of this Court to withdraw the present petition with liberty to file a fresh petition after the compromise has been effected.

In view of the statement made by learned counsel for the petitioner, present petition is dismissed as withdrawn with the aforesaid liberty."

A pointed query has been raised to learned counsel for the petitioner that whether once the petitioner has been declared as proclaimed offender, then as per the judgment of the Hon'ble Supreme Court in ***Manish Jain Vs. Haryana Pollution Control Board and another*** reported as ***2020 SCC Online SC 1101***, if the anticipatory bail granted to the petitioner would not be maintainable or not.

In response to the same, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition as liberty has already been granted in CRM-M-4174-2020 to file a fresh petition after the compromise has been effected.

In view of the statement made by learned counsel for the petitioner, present petition is dismissed as withdrawn.

(VIKAS BAHL)
JUDGE

25.04.2022
Mehak

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

MEHAK HURIA
2022.04.27 19:10
I attest to the accuracy and
integrity of this document