

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

CRM-M No.7394 of 2022 (O&M)

Date of Decision.22.02.2022

Sanjeev Khanna @ Sanjay Khanna

...Petitioner

Vs

Kamal Kishore and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. A.S. Gill, Sr. DAG, Punjab.

-.-

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in complaint case No.7508 dated 09.10.2017 titled as *Kamal Kishore Vs. Sanjeev Khanna @ Sanjay Khanna* under Section 138 of the Negotiable Instrument Act.

Learned counsel for the petitioner would contend that the petitioner herein had been declared as proclaimed offender by the trial court vide order dated 03.12.2019. He approached the Sessions Judge, Amritsar for grant of anticipatory bail, which was dismissed vide order dated 25.01.2022 and the petitioner was directed to surrender before the trial court within 10 days and move an application for regular bail, which was to be decided by the said court on the same day. It is further contended that due to unavoidable circumstances, the petitioner could not appear before the trial court within the stipulated period and thus, apprehends his arrest, as arrest of the petitioner was not stayed by the Sessions Court. It is argued that the petitioner is ready to appear before the trial court and therefore,

prays for stay of arrest of the petitioner in order to enable him to appear before the trial court and move application for regular bail.

I have heard learned counsel for the petitioner and have perused the paper book. The petitioner herein was directed to appear before the trial court within 10 days by the Sessions Court vide order dated 25.01.2022 i.e. upto 04.02.2022 whereas the petitioner filed the instant petition on 17.02.2022. There is no cogent reason mentioned by the petitioner as to why he could not appear before the trial court within the stipulated time. The petitioner was summoned to face trial vide order dated 10.10.2017 and was ultimately, declared proclaimed offender on 03.12.2019. He was directed to join proceedings before the trial court within 10 days vide order dated 25.01.2022 passed by the Sessions Court but the petitioner did not comply with the said order. It appears that the petitioner is evading appearance before the trial court since 2017 and therefore, no ground is made out to accede to the prayer sought by the petitioner in the instant petition. Consequently, the instant petition stands dismissed.

February 22, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

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