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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14008-2022 (O&M)
Date of Decision:02.04.2022

Mukesh Kumar

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mitul Singh Rana, Advocate for the petitioner.

Mr. Vishal Sharma, Advocate for respondent No.2.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail as he apprehends arrest, pursuant to order dated 20.08.2019 (Annexure P-5) passed by JMIC, Dasuya, District Hoshiarpur in complaint No.36 dated 07.05.2018, under Sections 323, 324, 452 and 34 IPC titled as ***Rajesh Kumar Vs. Jagdish Rai and others***, whereby he was declared as proclaimed offender.

Learned counsel has argued that complainant (respondent No.2) was married to petitioner's sister, but after some time, a matrimonial dispute arose between them and as a result of that the petitioner has been falsely implicated through the complaint No.36/2018 under Sections 323, 324, 452 and 34 IPC. He submits that the petitioner was not in India when he was declared as proclaimed person vide order dated 20.08.2019, therefore, the same has no significance for lack of effective service, and as the petitioner has returned to India, who is willing to join the proceedings, he be granted the concession of anticipatory bail.

During the course of hearing, it is not disputed by learned counsel that previously the petitioner had filed a petition bearing No.CRM-M-15835-2019 for quashing of criminal complaint No.36/2018, much prior to the passing of impugned order dated 20.08.2019, wherein further proceedings before trial Court were stayed vide order dated 13.03.2020. Learned counsel does not dispute this fact that the order dated 20.08.2019 declaring the petitioner as proclaimed person was not brought to the notice of this Court when the order dated 13.03.2020 was passed in favour of petitioner.

After hearing the learned counsel, considering the above background, particularly the fact that the petitioner was well aware of the pendency of the complaint case against him, who had filed the quashing petition before this Court, the ground that he was not effectively served cannot be attached any importance. Since, the petitioner is a proclaimed person, therefore, the petition filed by him seeking concession of pre arrest bail is not maintainable in view of decision dated 09.08.2021 delivered by this Court in ***CRM-M-21334-2020 titled as Akhtar Vs. State of Haryana and others.***

The petition is dismissed.

02.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No