

CRM-M-34839-2020 (O&M)

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-34839-2020 (O&M).
Decided on: February 24, 2022.

Banwari Lal

.. Petitioner

VERSUS

Chanan Singh and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT None for the petitioner.

Mr.Randhir Singh Thind, DAG, Punjab,
for respondent No.2/State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in complaint case bearing registration No.1066/2018 dated 29.11.2018 pending before the learned Judicial Magistrate First Class, Pathankot, under Section 138 of the Negotiable Instruments Act.

Nobody has caused appearance on behalf of the

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petitioner. The same was the position on the last date of hearing i.e. On 26.10.2021, therefore, this Court had adjourned the case for today.

In view of above, this Court deems it fit and proper to proceed with the case on the basis of the pleadings in the petition and with the assistance of learned State counsel.

On 30.10.2020, while issuing notice of motion, this Court had observed that the petitioner was declared as proclaimed person in a matter under Section 138 of the Negotiable Instruments Act on 21.9.2019 and it was also directed that in the meanwhile, the petitioner shall join the proceedings before the learned trial Court and in case of his doing so, he shall be released on interim bail. Thereafter, the matter came up for hearing on 10.9.2021 and on the request of learned counsel for the petitioner the case was adjourned to 7.10.2021. However, on that date also the matter was adjourned to 26.10.2021. Thereafter, nobody had caused appearance on behalf of the petitioner on that date i.e. 26.10.2021 and the matter was adjourned for today and today again nobody caused appearance on behalf of petitioner.

It has been submitted by the learned State counsel, on instructions from ASI Surinder Singh, that although the petitioner was directed to join the proceedings before the learned trial Court vide order dated 30.10.2020, but since then more than one year has elapsed and the petitioner has not joined the proceedings and has not surrendered before the learned trial Court and therefore, the present petition seeking grant of anticipatory bail deserves to be dismissed. He submitted that petitioner is a

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proclaimed person vide order dated 21.9.2019 (Annexure P-3) and even otherwise also in view of the law laid down by the Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Pradeep Sharma, 2014 (1) RCR (Crl.) 269*, the present petition for the grant of anticipatory bail is not maintainable.

I have heard the learned counsel for the parties.

The petitioner was declared a proclaimed person on 21.9.2019 and he was directed by this Court to join the proceedings on 30.10.2020 while issuing notice of motion but as per the learned State counsel, the petitioner neither joined the proceedings nor surrendered before the learned trial Court. The present petition for the grant of anticipatory bail would also not be maintainable in view of the law laid down by the Hon'ble Supreme Court in *Pradeep Sharma* (supra) since petitioner is a proclaimed person. Even the learned counsel for the petitioner has not caused appearance in the present petition. Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 24, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No