

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CRM-M-40038 of 2022
Date of Decision: 05.09.2022**

Kishan Lal

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lupil Gupta, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.281 dated 13.05.2022, under Section 174-A of IPC, registered at Police Station Civil Line, Sirsa.

The learned counsel for the petitioner has submitted that it is a case where the complaint has been filed against the petitioner under Section 138 of the Negotiable Instruments Act, 1881, in which the petitioner has been declared as a proclaimed offender. However, vide order dated 21.07.2022 the complainant withdrew the complaint vide Annexure P-2. He submitted that when the petitioner was declared proclaimed offender thereafter FIR under Section 174-A of the IPC was also lodged against him and he is seeking anticipatory bail in the aforesaid FIR on the ground that the complaint itself has been dismissed as withdrawn.

On the other hand, Mr. Ranvir Singh Arya, learned Addl.

Advocate General, Haryana has submitted that he has received an advance copy of the present petition and has also sought instructions. He has submitted that although the main complaint itself was withdrawn by the complainant but so far as the proceedings under Section 174-A of the IPC are concerned, the petitioner is still a proclaimed offender and he has not challenged the order vide which he was declared as a proclaimed offender/proclaimed person and since the petitioner is already a proclaimed offender, the prayer made by him for grant of anticipatory bail is not maintainable in view of the law laid down by the Hon'ble Supreme Court in **State of Madhya Pradesh versus Pradeep Sharma (2014) 2 SCC 171**.

I have heard the learned counsel for the parties.

The petitioner was declared as a proclaimed offender on 04.05.2022 and thereafter FIR under Section 174-A of the IPC was registered against him on 13.05.2022. The petitioner instead surrendering before the learned trial court has approached this Court for grant of anticipatory bail. Earlier he filed an application before the learned Additional Sessions Judge, Sirsa for grant of anticipatory bail, which was dismissed but it was observed vide order dated 16.08.2022 by the learned Additional Sessions Judge, that since compromise has already been effected between the parties, the petitioner was directed to surrender before the learned trial court within a week and the learned trial court would also consider this aspect of compromise as well as the directions issued by the Hon'ble Supreme Court in **Arnesh Kumar versus State of Bihar, 2014 (3) RCR (Criminal) 527**.

The petitioner instead of surrendering before the trial court has approached this Court. The order declaring him as a proclaimed offender has

not been challenged in any proceedings by the learned counsel for the petitioner. Therefore, in view of the law laid down by the Hon'ble Supreme Court of India in *Pradeep Sharma* (supra), the petitioner does not deserve the concession of anticipatory bail and the petition under Section 438 of the Code of Criminal Procedure itself is also not maintainable.

Dismissed.

(JASGURPREET SINGH PURI)
JUDGE

September 05, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No