

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

293

CRM-M-2020-2023

Date of Decision: 19.01.2023

Anand Prakash Handa

....Petitioner

Versus

Assistant Director, Directorate of Enforcement, Jalandhar

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sardavinder Goyal, Advocate for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Shobhit Phutela, Sr. Panel counsel
for the respondent-ED.

ANOOP CHITKARA, J.

Petitioner seeks bail on the ground that main accused was granted regular bail after one year of custody and all other accused who had role higher than the petitioner, were granted anticipatory bail by this Court. He further submits that such orders have not been challenged by Enforcement Directorate in the Hon'ble Supreme Court of India, till date.

At this stage, counsel for the respondent-ED opposes the present petition on the ground that an anticipatory bail is not maintainable as the petitioner is proclaimed offender. He further submits that after dismissal of his bail wayback in March 2021, despite his being declared proclaimed offender in October 2022, he is still at large.

This Court had granted regular bail to two of the main accused and anticipatory bail to the same other accused. But perusal of the allegations reveals that role of the petitioner is more severe in comparison to the other accused. However, since he is fugitive, the present petition under 438 CrPC is not maintainable and the same is dismissed. Liberty reserved to file a petition under Section 439 CrPC seeking bail.

Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

19.01.2023

anju rani

Whether speaking/reasoned

Yes/no

Whether reportable?

Yes/no