

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

**202**

**CRM-M-1854-2023  
Date of decision: 17.02.2023**

Kamal Narayan @ Sonu Sekhon .....Petitioner

Versus

State of Punjab .....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. R.S. Bains, Sr. Advocate with  
Ms. Arushi Garg, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

This is the first petition filed under Section 438 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.2 dated 01.01.2018 lodged under Sections 307, 452, 324, 323, 148 and 149 of the IPC (Sections 325, 326 and 120-B of the IPC added lateron) registered at Police Station Guru Harsahai, District Ferozepur.

Learned State counsel on instructions has apprised the Court that the proceedings under Section 82 of the Cr.P.C. stand initiated against the petitioner. He has thus opposed the prayer made for grant of anticipatory bail to the petitioner.

Learned senior counsel for the petitioner has, however, submitted that the proceedings under Section 482 were initiated after the dismissal of his anticipatory bail before the Trial Court. Hence, it would not come in his way of seeking anticipatory bail before this Court.

Learned State counsel has, however, controverted the said submissions made by learned senior counsel for the petitioner by urging that the proceedings under Section 82 of the Cr.P.C. already stood initiated against the petitioner on 02.11.2022 whereas the application under Section 438 was filed before the Trial Court much thereafter in December, 2022.

Learned State counsel further submits that a person who is absconding and against whom proceedings under Section 82 of the Cr.P.C. have been initiated, is not entitled to the relief of anticipatory bail as held by the Hon'ble Supreme Court in case ***Prem Shankar Prasad Vs. State of Bihar : 2021(4) RCR (Criminal) 598.***

At this stage, learned senior counsel for the petitioner submits that the petitioner is willing and ready to appear, and surrender before the Trial Court. A prayer has, therefore, been made that in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the Trial Court and with directions to the Trial Court that his bail application, which he would be filing on his surrender, be decided expeditiously.

In view of the limited prayer made by the learned senior counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the Trial Court within two weeks from today. Till then, no coercive steps be taken against the petitioner.

It is made clear that in case, the petitioner fails to surrender before the Trial Court within two weeks from today, this order shall be of no avail to him. In case, on appearance and surrender, the petitioner

moves an application for bail before the Trial Court, the same shall be decided expeditiously by the Trial Court in accordance with law.

17.02.2023

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(MANJARI NEHRU KAUL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |