

CRM-M-2112 of 2023

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

CRM-M-2112 of 2023
Date of decision: 16.01.2023

Harshit Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Case has been called thrice, however, no one appeared on behalf of the petitioner.

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.95 dated 01.03.2022 under Section 174-A IPC registered at Police Station Central, Faridabad.

The brief facts of the case are that a complaint bearing NACT 8546 of 2018 titled as “M/s Escorts Ltd. v. M/s AHR Automoto” was filed under Section 138 of the Negotiable Instruments Act 1881 against the petitioner and he was summoned by the trial Court vide order dated 30.08.2018 and since he did not appear, he was summoned through bailable warrants vide order dated 16.11.2018 and thereafter vide order dated 25.01.2019 he was summoned through warrants of arrest for 03.05.2019 as bailable warrants were received unexecuted. The arrest

CRM-M-2112 of 2023

warrants of the petitioner were received back unexecuted with the report that when the executing constable visited the address mentioned in the warrants, father of the accused informed the constable that he has no information regarding the whereabouts of the petitioner. The trial Court vide order dated 03.05.2019 came to the conclusion that the petitioner is absconding and concealing himself and, therefore, warrants cannot be executed and ordered publication of proclamation under Section 82 Cr.P.C. requiring the petitioner to appear before the Court on 30.09.2019 at 10: a.m. Thereafter, on 06.07.2021 following order was passed by the Court of learned Judicial Magistrate Ist Class, Faridabad: -

“Order dated 26.06.2021 bearing Endst No.13288-13328/Covid-19 dated 26.06.2021 issued from the office of Ld. District & Sessions Judge, Faridabad received, vide which full fledged proceedings shall be conducted in the complaints more than one year old.

Issued proclamation against the accused has been received back duly served. As per the report of serving constable, the proclamation was duly published on 20.04.2021 at 10:00 AM. The proclamation has been duly published as per the requirements of Section 82 Cr.P.C. Mandatory period of 30 days has been expired.

Accordingly, accused Harshit Singh is hereby declared as proclaimed person. An intimation with a copy of this order be sent to SHO concerned and P.O. Staff with a direction to register a case under section 174-A IPC and to take necessary legal action under due intimation to this Court.

Let, notice be sent to the Branch Manager of accused Bank's Account No.05660500000876 with the direction to freeze the said account of the accused with immediate effect, under

CRM-M-2112 of 2023

intimation to this Court.

The complainant is also directed to furnish Passport number, Phone number, Employment details, list of movable/immovable property of the accused.

Now to come up on 01.03.2022 for compliance report.”

Consequently, FIR No.95 dated 01.03.2022 under Section 174-

A IPC was registered against the petitioner at Police Station Central, Faridabad. Thereafter, petitioner filed application under Section 438 Cr.P.C. before the Court of learned Additional Sessions Judge, Faridabad, seeking anticipatory bail, which was dismissed vide order dated 21.04.2022 by passing following order: -

*“After scanning the reply filed by the prosecution, it is imperative to mention here that during the pendency of complaint, petitioner-applicant was declared proclaimed offender in the main complaint and on the application of the then Presiding Officer/Judicial Magistrate, present FIR was lodged on 1.3.2022. The petitioner-applicant has not cared to appear before the court after coming to know about the status of case and opted to file this application for grant of anticipatory bail. In case titled **Prem Shankar Versus State of Bihar LL 2021 SC 579 Hon’ble High Court** granted anticipatory bail to a proclaimed person. Against appeal to that order, State has relied upon observation made by Hon’ble apex court in case titled **State of MP Versus Pradeep reported in 2014(2) SCC 171** that to content that a person against whom proclamation has been issued and proceedings under section 82/83 Cr.P.C. have been initiated, is not entitled to benefit of anticipatory bail. It has been observed in the above case that High Court ignored the factum of initiation of proceedings under sections 82-83 Cr..C. by simply observing that be that as it may. The act and conduct of the petitioner-applicant speaks*

CRM-M-2112 of 2023

in volume that he has scant respect for law. A person declared as an absconder/proclaimed offender in terms of section 82 Cr.P.C. is not entitled for relief of anticipatory bail. Accordingly, without commenting on the merits of the case, the application moved by the petitioner-applicant stands dismissed. Bail application be consigned to records.”

I have heard learned State counsel and perused the record.

Nothing has been pleaded in the petition as to how anticipatory bail application filed by the petitioner before the Court of learned Additional Sessions Judge was maintainable. Further, perusal of the interim orders (Annexures P-4 to P-8) would show that the petitioner has not appeared before the trial Court even once and, therefore, he does not deserve the indulgence by this Court.

Consequently, finding no merit in the present petition, the same is dismissed.

16.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No