

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(103)

CRM-M-2641-2023

Date of Decision: 18.01.2023

Sajjan Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Paramveer Singh, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.880 dated 9.10.2022 registered under sections 174-A IPC at Police Station, Sirsa City, District Sirsa.

Learned counsel for the petitioner submits that proclamation was issued against the petitioner under section 82 Cr.P.C and thereafter he was declared a Proclaimed Person. In pursuance to the same FIR in question was registered against him. Counsel submits that a complainant under section 138 of Negotiable Instruments Act was filed by the complainant against the petitioner and as the petitioner is a farmer and his mother was not well on account of the same there remained a miscommunication between him and his counsel. Resultantly, he was declared Proclaimed Person. It is submitted that the petitioner is a law abiding citizen and is ready to join the proceedings. Counsel has relied upon the judicial precedent of this court in ***CRM-M-485-2022 (Subhash Vs. State of Haryana)*** and has submitted that the petitioner approached the court of learned Addl. Sessions Judge, Sirsa praying for grant of bail, however, the same was declined vide order dated 14.12.2022. He submits

that in the facts and circumstances of the case petitioner deserves to be granted anticipatory bail.

I have heard learned counsel for the petitioner and have gone through the record carefully.

Evidently, a complaint was filed against the petitioner under Section 138 of Negotiable Instruments Act. As he did not appear, the learned Trial Court issued the proclamation proceedings against him under Section 82 Cr.P.C and after the lapse of statutory period of 30 days he was declared a Proclaimed Person. Once the petitioner was declared Proclaimed Person, it was evident that he was absconding from the judicial proceedings of the court.

Hon'ble Supreme Court in *Lavesh Vs. State (NCT of Delhi)* (2012) 8 SCC 730 held that it is clear that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 Cr.P.C, he is not entitled to the relief of anticipatory bail.

In view of the facts and circumstances of the case and the judicial precedent of Hon'ble Supreme Court in *Lavesh Vs. State (supra)*, petitioner does not deserve the concession of anticipatory bail. Accordingly, the present petition being devoid of merits, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

18.01.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No