

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

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CRM-M-10612-2023

Date of decision : 01.03.2023

Sunil Kumar

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Vishal Yadav, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.46 dated 20.01.2023 under Section 174-A of the Indian Penal Code, 1860 at Police Station City Ballabhgarh, District Faridabad.

Brief facts of the case are that a complaint bearing No.NACT-3536-2015 was filed by one Ashok Kumar Kashyap against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 on account of dishonour of cheque amounting to Rs.5,00,000/- Due to non-appearance before the trial Court, the petitioner has been declared a proclaimed person vide order dated 11.01.2023.

Learned counsel for the petitioner submits that the matter was compromised between the parties before the trial Court on 14.09.2021 and the petitioner has paid amount of Rs.1,00,000/- to the complainant. Thereafter, the matter was adjourned on several dates. Due to suffering from neuro problem, the petitioner could not appear before the trial Court and he was declared a proclaimed person on 11.01.2023.

The petitioner is ready to pay the reaming amount of Rs.4,00,000/- to

the complainant.

I have heard learned counsel for the petitioner and going through the paper-book

A perusal of the file shows that earlier vide order dated 29.04.2016 passed by the trial Court, the petitioner was declared proclaimed offender. When the petitioner came to know about order dated 29.04.2016, he appeared before the trial Court and was granted bail vide order dated 17.03.2020. Now, the petitioner has again been declared a proclaimed person vide order dated 11.01.2023 for his non-appearance before the trial Court which itself shows that the petitioner has been deliberately evading the process of law. It is settled proposition of law that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Cr.P.C, he is not entitled to the relief of anticipatory bail. This view of mine is fortified by the judgment of the Hon'ble Supreme Court in case *State of M.P. Vs. Pradeep Sharma : 2014 (1) RCR (Criminal) 269*.

In view of the above and keeping in view the nature of averments and conduct of the petitioner, I do not deem it fit to extend the concession of anticipatory bail to the petitioner.

Dismissed.

01.03.2023
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(ASHOK KUMAR VERMA)
JUDGE

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