

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103-A

CRM-M-14344-2023

Date of decision : 21.03.2023

Paryag Kaushik

Petitioner

V/S

State of Haryana and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rajiv Sharma, 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 Complaint No.799 of 2020 filed under Section 138 of the Negotiable Instruments Act, 1881.

Brief facts of the case are that a complaint bearing No.NACT-799-2020 was filed by respondent No.2 against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 on account of dishonour of 02 cheques amounting to Rs.50,000/- and Rs.1,00,000/- respectively. Due to non-appearance before the trial Court, the petitioner has been declared a proclaimed person vide order dated 04.11.2022 passed by the trial Court.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the above-said complaint. The petitioner has wrongly been declared proclaimed person by the trial Court. No proper service was affected upon the petitioner and it is because of this reason, the petitioner could not appear before the trial Court. The petitioner is always ready and willing to join the proceedings before the trial Court. Therefore, the petitioner may be granted anticipatory bail.

I have heard learned counsel for the petitioner and going

through the paper-book

Perusal of the file shows that no sufficient reason has been given by the petitioner for his non-appearance before the Trial Court. The petitioner was declared proclaimed person vide order dated 04.11.2022 and till date the petitioner has not appeared 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.

21.03.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No