

105.

2023:PHHC:107214

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

CRM-M-40392-2023

Date of decision: 18.08.2023

Daljit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

VIKAS SURI, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.331, dated 28.09.2022, under Section 174-A of IPC, registered at Police Station Maqboolpura, Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that the petitioner was never served in complaint case filed under Section 138 of Negotiable Instruments Act, 1881 and was thus, wrongly declared as proclaimed person vide order dated 26.08.2022. The said order declaring the petitioner as proclaimed person has been quashed by this Court vide order dated 11.08.2023 passed in CRM-M-39663 of 2023 (Annexure P-3).

A perusal of the record would show that after the impugned order declaring the petitioner as proclaimed person was quashed by this Court, the petitioner has straightaway approached this Court with the instant petition.

Learned counsel for the petitioner concedes that the earlier petition seeking anticipatory bail before the Sessions Court was dismissed vide order dated 03.08.2023 (Annexure P-2) on the ground that the petitioner was a proclaimed person and in such circumstances, was not entitled for the extraordinary relief of anticipatory bail. However, after the change of circumstances, noticed above, he has not made another application before the Sessions Court in that regard.

In view of the above, without observing anything on merits of the case, the instant petition is disposed of with liberty to the petitioner to approach the Court of Session at the first instance in light of the fact that the order dated 26.08.2022 stands quashed.

Disposed of with liberty aforesaid.

(VIKAS SURI)
JUDGE

August 18, 2023

sanjeev

Whether speaking/reasoned:

Yes

Whether reportable:

No