

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

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CRM-M-8825-2024

Date of Decision : July 29, 2024

SUKHMAN SURI

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate
Mr. Rehat Bir Singh Mann, Advocate
Mr. Syed Arham Masud, Advocate
Mr. Wasaf Naushad, Advocate and
Ms. Radhika Mehta, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Anand Chhibbar, Sr. Advocate with
Mr. Vaibhav Sharma, Advocate
Mr. Alok Bhachawat, Advocate
Mr. Adarsh Dubey, Advocate and
Mr. Utkarsh Khatana, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the relief of anticipatory bail, in FIR No.165 dated 05.08.2022, under Sections 420, 467, 468, 471, 120-B of the IPC, registered at P.S. Sarabha Nagar, District Police Commissionerate Ludhiana.

2. As a matter of fact, consequent upon the petitioner becoming declared a “Proclaimed Offender” vide order dated 20.12.2023 passed by the learned Magistrate concerned, an L.O.C. was issued against her.

Accordingly, on 10.02.2024, when the petitioner landed at I.G.I. Airport, New Delhi, she was arrested. However, petitioner's transit remand, as sought by the Punjab Police, was declined by the learned Metropolitan Magistrate, Patiala House Court, New Delhi, through drawing the order dated 10.02.2024. Moreover, through the said order dated 10.02.2024, the petitioner was granted interim bail/transit bail, thereby enabling her to appear and surrender before the jurisdictional court at Ludhiana. The petitioner had to surrender on 13.02.2024.

3. It would be apt to record here that the petitioner has already filed a petition bearing No. CRM-M-7722-2024 before this Court, thereby assailing the proclamation order (supra). The proclamation order (supra) has been ordered to be stayed, subject to deposit of Rs.15,00,000/- being made by the petitioner before Registry of this Court.

4. The petitioner has, without availing the efficacious statutory remedy by approaching the learned jurisdictional Court concerned at the first instance, straightaway accessed this Court by filing the instant petition under Section 438 of the Cr.P.C. In such circumstances, this Court refrains from interfering in the present matter at this stage. The petitioner is relegated to the jurisdictional Court concerned. The arrest of the petitioner shall remain stayed for next 07 days. In case, the petitioner approaches the jurisdictional Court concerned and files an application for anticipatory bail, the latter shall make all efforts to decide such anticipatory bail application within a period of four days, but, after hearing the opposite party and without getting influenced by the stay

order granted by this Court.

5. It is always open for the complainant to raise the issue regarding maintainability of the anticipatory bail application before the Court concerned.

6. Disposed of accordingly.

July 29, 2024
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(KULDEEP TIWARI)
JUDGE

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