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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50066-2024

Date of Decision:- 14.10.2024

RAJESH KANSAL

....Petitioner

Vs.

STATE OF PUNJAB

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vikas Bali, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.147 dated 30.08.2024 under Section 420 IPC registered at Police Station Division No.5, Police Commissionerate, Ludhiana.

2. Learned counsel for petitioner argued that earlier Gulzar Kaur had filed complaint under Section 138 of Negotiable Instruments Act, 1881 read with Section 420 IPC against M/s Creative Knits and Allied Industries and Rajesh Kansal which was ultimately dismissed as withdrawn. Copy of complaint is Annexure P-2. Copy of statement of Gulzar Kaur dated 26.04.2017 is Annexure P-5. Copy of order dated 26.04.2017 is Annexure P-6. Later-on, with same allegations present FIR has been registered regarding which he has filed petition bearing CRM-M-48945-2024 under Section 528 of BNSS, 2023 for quashing of FIR which is still pending before Coordinate Bench. Copy of order dated 30.09.2024 is placed on

record according to which notice has been issued for 28.01.2025. Because of this reason, present petitioner filed anticipatory bail directly before this Court instead of filing anticipatory bail application before the Sessions Court.

3. Notice of motion.

4. On asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of State. He objected to this anticipatory bail directly filed before this Court without availing legal remedies available to him before Sessions Court.

5. Arguments advanced by learned counsel for petitioner considered on the aspect of filing anticipatory bail before this Court without filing it before Sessions Court. So far as quashing of FIR No.147 dated 30.08.2024 under Section 420, Police Station Division No.5, Police Commissionerate, District Ludhiana under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is concerned that could have been filed in the High Court whereas anticipatory bail application is concerned that could have been filed before Sessions Court which is competent Court to deal with anticipatory bail application at first instance. Therefore, without going on merits, petitioner is directed to avail remedy of anticipatory bail application before Sessions Court.

6. With aforesaid directions, present bail application is disposed of.

(AMARJOT BHATTI)
JUDGE

14.10.2024
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No