

2025:PHHC:116082



S. No.102

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

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**CRM-M-46720 of 2025  
Date of Decision:28.08.2025**

**Sanjiv Kumar Sharma @ S.K. Sharma**

**.....Petitioner**

**Vs.**

**State of Punjab and another**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:- Mr. Dinesh Sharma, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

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**Yashvir Singh Rathor, J. (Oral)**

1. This is first petition filed under Section 482 of BNSS, 2023 for grant of concession of anticipatory bail to the petitioner against the order dated 24.12.2024 (Annexure P.3(A) whereby petitioner/ accused was declared as Proclaimed Offender by Id. JMIC, Amritsar in case i.e. **NACT/1428/2022** titled **Raghav Sarpal Versus Sanjiv Kumar Sharma.**

2. Upon notice, the State Counsel has appeared and has opposed the bail petition. Both the parties have been heard and material placed on the file has been perused.

3. Learned counsel for the petitioner argued that complainant, namely, Raghav Sarpal had instituted two complaints against the petitioner under Section 138 of the NI Act bearing NACT/1428/2022 and NACT/1429/2022. Petitioner was released on bail in both the cases and during pendency of the complaints, the parties were referred to mediation and due to mis-communication of date of



hearing by his counsel after mediation, petitioner failed to appear in the Court and he was declared a Proclaimed Person in both the complaints vide order dated 24.12.2024. However, he was arrested on 13.06.2025 by the Police in complaint bearing NACT/1429/2022 and after two weeks, he was released on bail. Learned counsel next contended that complaint bearing NACT/1428/2022 has not been restored in which he is still a proclaimed offender and once he was arrested, both the complaints should have been restored and he should have been taken into custody in NACT/1428/2022 as well and now he is apprehending that he will be arrested in second complaint as well. Apprehending his arrest, he moved an application for anticipatory bail which has been dismissed.

4. On the other hand, learned State counsel has opposed the bail and argued that the petitioner has been declared a Proclaimed Offender and the petition for anticipatory bail is not maintainable.

5. It is not in dispute that the petitioner was declared Proclaimed Person in two cases. In one case, he was arrested on 13.06.2025 and was released on bail after two weeks. However, second complaint bearing NACT/1428/2022 has not been restored and he was not taken into custody in the second complaint whereas he ought to have been taken into custody in both the cases on the same day. Since he has already been released on regular bail in connected complaint, no useful purpose will be served by detaining him in second case.

6. Accordingly, present petition is disposed of with the direction that in case petitioner surrenders before the Trial Magistrate in NACT 1428/2022 within 15 days from today and applies for bail, trial Court shall admit him to bail to its



own satisfaction. If, in the meantime, petitioner is sought to be arrested pursuant to the proclamation issued against him, then he shall be admitted to interim bail to the satisfaction of the Arresting Officer. However, if he fails to surrender and seek regular bail within 15 days, the benefit of this order shall come to an end.

(Yashvir Singh Rathor)  
Judge

August 28, 2025  
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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |