



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

CRM-M-13067-2026

Date of decision: 10.03.2026

AVTAR SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Prashant Bansal, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. Through the instant petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is for grant of anticipatory bail to the petitioner in a complaint filed under Section 138 of Negotiable Instruments Act, 1881 bearing COMA No.227 of 2024 dated 23.04.2024 titled as '*Manoj Kumar vs. Avtar Singh*', wherein the petitioner has been declared as proclaimed person vide order dated 19.08.2025.

2. Briefly stated, the petitioner was summoned in the aforementioned complaint case for 31.07.2024. Thereafter, despite issuing of summons, bailable warrants as well as non-bailable warrants, petitioner failed to appear before the trial Court. Consequently, he was declared as proclaimed person vide order dated 19.08.2025.

3. Learned counsel for the petitioner contended that the order, vide which, the petitioner has been declared proclaimed person has been passed in a mechanical manner; neither the petitioner received any summons nor did he refuse to receive the summons in the present case and non-appearance of the petitioner was unintentional. Learned counsel submitted that there is not a complete embargo to consider the petition seeking anticipatory bail in the



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event of declaration under Section 82 of Cr.P.C. In support of his contention, learned counsel placed reliance upon the judgment passed by Hon'ble Supreme Court in *Asha Dubey vs. The State of Madhya Pradesh, Criminal Appeal No.4564 of 2024*. As such, learned counsel prayed for grant of anticipatory bail to the petitioner.

4. Given the nature of this order, no notice is required to be issued to the respondents.

5. Heard.

6. Perusal of *zimni* orders passed by trial Court reveals that the petitioner was well aware about the complaint case pending against him. It has been specifically observed by learned Additional Sessions Judge, Patiala that as per report of process server, petitioner was telephonically informed regarding the summons. Further, the bailable warrants were received back duly executed but he intentionally did not put in appearance before the trial Court. Hence, keeping in view the facts and circumstances of the case and the conduct of the petitioner, he is not entitled to the relief of anticipatory bail.

8. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

9. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

March 10, 2026
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(SUBHAS MEHLA)
JUDGE

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No