

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

212

CRM-M-15318-2026

Date of Decision: 27.04.2026

AMIT DUA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. The present petition has been filed under Section 482 B.N.S.S. read with Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No. 152 dated 10.04.2025 u/s 209 BNS (174-A IPC) registered at Police Station Karnal Civil Lines, District Karnal.

2. Succinctly stated, facts leading to the registration of present FIR are that in complaint bearing NACT No. 6006 dated 10.09.2018 titled as "*Surinder Kakkar v. Amit Dua*" was filed against the petitioner, wherein the petitioner was declared proclaimed offender vide order dated 30.10.2023 and ultimately the present FIR was directed to be registered.

3. Learned counsel for the petitioner submits that the petitioner became aware of the aforementioned proceedings only upon receiving a telephonic message from Civil Lines Police Station, Karnal, informing him that FIR No. 152 dated 10.04.2025 under Section 209 of the BNS had been registered against him. The petitioner further submits that, left with no other

option, he immediately approached this Hon'ble Court by filing CRM-M-

26974 of 2025, titled “*Amit Dua v. State of Haryana and Another*”, seeking quashing of the original complaint under Section 138 of the NI Act and all consequential proceedings arising therefrom, including the proclamation order and the present FIR. He contends that, since no interim protection was granted in his favour, he approached the learned Additional Sessions Judge for the grant of anticipatory bail, which came to be dismissed. He further submits that the petitioner is ready and willing to join the investigation if the concession of anticipatory bail is extended to him. Hence, he prays that the present petition be allowed.

4. Learned counsel for the respondent–State has opposed the present petition and submitted that the same is wholly misconceived and not maintainable in the eyes of law. It is contended that the petitioner was duly declared a proclaimed offender by the competent Court vide order dated 30.10.2023 in complaint bearing NACT No. 6006 dated 10.09.2018, and the registration of the present FIR is a natural and lawful consequence of such declaration. The proceedings leading to the proclamation order were conducted in accordance with law, and the petitioner cannot be permitted to take advantage of his own absence and non-appearance before the trial Court. Learned State counsel further submits that the plea of the petitioner that he had no knowledge of the proceedings is false and untenable, as due process under law was followed before declaring him a proclaimed offender. It is argued that the petitioner has deliberately evaded the process of law and remained absconding, thereby obstructing the course of justice. The registration of the FIR under Section 209 of the BNS is, therefore, justified and cannot be termed as an abuse of the process of law. She further submits that even in the proceedings for quashing of complaint, proclamation order

and the present FIR, no stay has been granted in favour of the petitioner. She contends that since, there is no stay on the order declaring the petitioner a proclaimed offender, as such the petitioner is not entitled to the discretionary relief of anticipatory bail from this Court in view of law laid down by the Hon'ble Supreme Court in case of ***Lavesh v. State (NCT of Delhi), (2012) 8 SCC 730; State of Madhya Pradesh v. Pradeep Sharma, (2014) 2 SCC 171; Abhishek v. State of Maharashtra, (2022) 8 SCC 282*** etc.

5. After hearing learned counsel for the parties and examining the record, this Court is of the considered view that no case for grant of anticipatory bail is made out. It is an admitted position that the petitioner stands declared a proclaimed offender vide order dated 30.10.2023, and the said order continues to operate, having neither been stayed nor set aside by any competent Court. The status of a proclaimed offender reflects deliberate evasion of the process of law, and such conduct disentitles the petitioner from seeking equitable and discretionary relief from this Court.

6. In ***Lavesh (supra)***, (Para 10), Hon'ble Supreme Court has held as under:

“(10). ... Normally, when the accused is "absconding" and declared as a "proclaimed offender", there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code is not entitled the relief of anticipatory bail.”

7. In ***Pradeep Sharma, (supra)***, Para 10, Supreme Court placing reliance upon ***Lavesh (supra)***, held that it is clear from the above decision

that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail.

8. In *Abhishek (supra)*, the Hon'ble Supreme Court after relying upon its earlier decision in case of *Prem Shankar Prasad v. State of Bihar and Anr.: (2021) SCC OnLine SC 955*; has held that when accused is absconding and declared as proclaimed offender, no question arises of giving him benefit of section 438 CrPC, 1973. The releant part of the order is reproduced as under:

“21. As regards the implication of proclamation having been issued against the appellant, we have no hesitation in making it clear that any person, who is declared as an 'absconder' and remains out of reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence. By way of reference, we may observe that in relation to the indulgence of pre-arrest bail in terms of section 438 CrPC, 1973 this Court has repeatedly said that when an accused is absconding and is declared as proclaimed offender, there is no question of giving him the benefit of section 438 CrPC, 1973. For example, Prem Shankar Prasad v. State of Bihar and Anr.: (2021) SCC OnLine SC 955. What has been observed and said in relation to section 438 CrPC, 1973 applies with more vigour to the extraordinary jurisdiction of this Court under Article 136 of the Constitution of India. The submissions on behalf of the appellant for consideration of his case because of application of stringent provisions

impinging his fundamental rights does not take away the impact of the blameworthy conduct of the appellant. Any claim towards fundamental rights also cannot be justifiably made without the person concerned himself adhering to and submitting to the process of law.”

9. In view of the facts and circumstances of the present case and established legal position by the Hon’ble Supreme Court, this Court is of the opinion that in these circumstances, extending the concession of anticipatory bail to the petitioner would amount to undermining the due process of law. Consequently, finding no merit in the present petition, the same is hereby dismissed.

27.04.2026
Puneet....

(RUPINDERJIT CHAHAL)
JUDGE

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