HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9094 of 2026

Puneet Kumar

.....Applicant(s)

Versus

The State Of U.P., Through Principal Secretary, Department Of Home, Civil Secretariat, & Another

.....Opposite Party(s)

Counsel for Applicant(s) : Amit Kumar Agrahari, Ravishankar Chaurasia

Counsel for Opposite Party(s) :

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Ms. Shraddha Pandey, Advocate holding the brief of Learned counsel for the applicant and Learned A.G.A. for the State as well as perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.255 of 2023, under Sections 420, 467, 468, 471 and 120-B IPC, Police Station Sector-20, District Gautam Budh Nagar, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. Learned AGA has raised a preliminary objection stating that the applicant had challenged the proceedings before this Court in Application U/s 528 BNSS No.28277 of 2026 where this Court while granting interim protection to the applicant on his prayer directed that he may appear and apply for bail within a period of 15 days. Learned AGA states that instead of surrendering before the concerned Court and applying for bail, an application for anticipatory bail has been filed. Learned AGA has further pointed out that the proclamation under Section 82 Cr.P.C./84 BNSS has already been made and the applicant being an absconder may not be considered for grant of anticipatory bail.

4. I have considered the preliminary objection raised by the Learned AGA.

5. This Court while disposing of the Application U/s 528 BNSS No.28277 of 2026 passed the following order:-

"*1. Heard learned counsel for the applicant and learned A.G.A. for the State.*

2. The present application has been filed for seeking quashing of impugned proclamation order dated 09.05.2024 passed under Section 82 Cr.P.C. as well as the attachment order dated 26.06.2024 passed under Section 83 Cr.P.C., which are arising out of FIR No.255 of 2023, under Sections 420, 467, 468, 471 and 120-B IPC, P.S. Sector-20, District Gautam Budh Nagar.

3. On perusal of the narration of FIR as well as impugned proclamation order passed under Section 82 Cr.P.C. as well as the attachment order, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present application, on the basis of which, impugned proclamation order as well as the attachment order and entire criminal proceedings of the said case, can be set aside.

4. Accordingly, the prayer sought through the instant application, is refused.

5. Lastly, learned counsel for applicant submitted that liberty may be granted to applicant to surrender before the court concerned and apply for bail to which learned AGA has no objection.

6. In view of the aforesaid, the instant application is finally disposed of with a direction to the court concerned that in case, the applicant surrenders before the court concerned within a period of 15 days from today and apply for bail, his bail application shall be considered and decided expeditiously in accordance with law.

7. However, it is made clear that till 15 days from today, no coercive action shall be taken against applicant herein in pursuance of aforesaid case."

6. The High Court taking note of the fact that proclamation under Section 82 Cr.P.C. had been issued as well as an attachment order had been passed against the applicant granted 15 days to the applicant to appear and surrender before the concerned Court on his own prayer and also granted interim protection to the applicant for a period of 15 days. The applicant did not surrender before the concerned Court and apply for bail as prayed before this Court and instead has moved an anticipatory bail application.

7. In the opinion of the Court, the applicant, who is an absconder, cannot be considered for grant of anticipatory bail. The interim protection granted to the applicant also has expired and despite interim protection having been granted to the applicant to enable him to appear before the concerned Court, he chose not to appear and filed the anticipatory bail application. In such circumstances no good ground for considering the prayer of the applicant for grant of anticipatory bail is made out.

8. This anticipatory bail application is hereby ***dismissed***.

9. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

October 23, 2026
A. Pandey

Digitally signed by :-
ANAND PANDEY
High Court of Judicature at Allahabad