



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

102

CRM-M-7177-2025

Date of decision: February 7th, 2025

Varinder Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.240 dated 26.12.2016 under Sections 420 and 120-B of the IPC and Section 13 of Punjab Prevention of Human Smuggling Act registered at Police Station Sadar, Amritsar, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, which primarily arises from a monetary dispute between the parties. It is contended that the petitioner had shifted his residence from Sirhind to Chandigarh and was, therefore, unaware of the registration of the FIR in question against him. Consequently, he was erroneously declared a proclaimed offender, as summons were never served upon him.

3. It is further submitted by the learned counsel that upon learning about the petitioner being declared a proclaimed offender, the petitioner approached this Court for quashing of the order dated 24.02.2020, declaring him as such. Vide order dated 14.09.2023, this

Court directed the petitioner to surrender before the trial Court on or before 25.09.2023. However, due to a communication gap and his inability to arrange a local surety, the petitioner failed to appear before the trial Court within the stipulated time. Furthermore, a petition for quashing filed by the petitioner was dismissed on 20.03.2024 (Annexure P-4), as his then-counsel pleaded 'no instructions', on his behalf.

4. Learned counsel for the petitioner asserts that the petitioner's implication in the present case is unwarranted more so when the parties had also arrived at a compromise vide Annexure P-3.

5. Notice of motion.

6. Upon issuance of notice, Mr. H.S. Deol, Senior Deputy Advocate General, Punjab, has entered appearance on behalf of respondent No.1 and Mr. Rahul Garg, Advocate, has entered appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. Learned counsel for the respondents have opposed the grant of anticipatory bill to the petitioner.

7. Learned State counsel has drawn the attention of this Court to the order dated 07.01.2025 (Annexure P-5), wherein this Court had earlier quashed the order declaring the petitioner as a proclaimed offender, subject to the condition that he would surrender before the trial Court within a period of four weeks. It has been submitted by the learned State counsel that as per instructions received, the petitioner had failed to surrender before the trial Court within the stipulated time and instead, filed an application for anticipatory bill, which was dismissed by the trial Court vide order dated 21.01.2025. It has been, therefore, asserted by the learned State counsel that since the petitioner

had failed to comply with the directions of this Court and not surrendered, the status of the petitioner as on date remains that of a proclaimed offender.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. It is undisputed that despite the clear direction of this Court in its order dated 07.01.2025, granting the petitioner four weeks to surrender before the trial Court, he failed to do so. Consequently, he continues to remain a proclaimed offender as of today. The petitioner's non-compliance with the directions of this Court demonstrates his disregard for the legal process.

10. Given the circumstances, this Court does not find it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner. However, in the interest of justice, the petitioner is granted liberty to appear and surrender before the trial Court within a period of seven days from today. Upon his appearance, if the petitioner moves an application for regular bail, the trial Court shall endeavour to decide the same expeditiously, preferably within two days thereafter, in accordance with law.

11. Accordingly, the present petition stands dismissed subject to the aforesaid liberty granted to the petitioner.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 7th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

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