

CRM-M-28400-2015 (O&M)

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

**CRM-M-28098-2015 (O&M).
Decided on: August 24, 2015.**

Anil Saini

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Ashok Kaushik, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

A perusal of order dated 4.12.2014, indicates that during the course of trial on account of non-appearance of the petitioner and non-bailable warrants having not been executed, fresh warrants of arrest were issued on 19.1.2015 by the Judicial Magistrate First Class, Panipat. Earlier on account of non-appearance, non-bailable warrants were issued against the petitioner for 4.12.2014 on 26.9.2014. Ultimately, he was declared a proclaimed person on 11.6.2015.

Counsel for the petitioner submits that the petitioner was arrested on 1.9.2014 in another criminal case of the same Police Station falling under the same Area Magistrate as such, it was not possible for him to put in appearance in proceedings on the basis of FIR No.79 of 2008 of Police Station, City, Panipat. On this ground, the petitioner challenges the order declaring him a proclaimed

offender.

On asking of the Court, whether he has applied for pre-arrest bail under Section 438 Cr.P.C., counsel for the petitioner informs that the petitioner's application for pre-arrest bail has already been dismissed.

Taking into consideration the above said circumstances, it appears that on account of petitioner having been declared a proclaimed offender, he has not been able to get the relief under Section 438 Cr.P.C. The petitioner apparently was negligent in intimating the Court regarding the reasons for his non-appearance. The petitioner has been able to establish before this Court his inability to appear on the date as required under proclamation issued for 11.6.2015. The petitioner remained in custody for a period of about 5 months in another FIR.

In view of his application for pre-arrest bail having been dismissed, this petition is disposed of with a direction that the petitioner will put in appearance before the trial Court on 11.9.2015. The trial Court shall issue notice to the State regarding the surrender of the petitioner and would release him on bail on 14.9.2015. In case the petitioner fails to put in appearance as directed, this petition will be deemed to have been dismissed.

(M.M.S.BEDI)
JUDGE

August 24, 2015.
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