

CRM-M-43265-2015 (O&M)

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

**CRM-M-43265-2015 (O&M).
Decided on: October 14, 2015.**

Hamid and another

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.Sarfraj Hussain, Advocate,
for the petitioners.**

Mr.C.S.Bakshi, Addl. A.G., Haryana.

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

Petitioners are accused in a case under Section 376 IPC. They did not appear before the Court concerned whereas the co-accused of the petitioners were acquitted on trial. The petitioners were not able to achieve acquittal having absented themselves. Apprehending arrest, they seek concession of pre-arrest bail.

Vide order dated 28.8.2015 the petitioners were directed to appear before the Illaqua Magistrate. They have already put in appearance and have been granted the concession of interim bail.

Status of the petitioners as proclaimed offender during trial does not entitle them to relief under Section 438 Cr.P.C.,

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however, taking into consideration the statement of the prosecutrix as PW.1 during trial, raising dual version qua the role of the petitioners, this petition is allowed. It is ordered that the petitioners will remain on bail against the bail bonds furnished by them pursuant to the interim orders passed by this Court till presentation of supplementary challan against them. On presentation of supplementary challan, the petitioners will be required to apply for bail afresh before the Court concerned.

(M.M.S.BEDI)
JUDGE

October 14, 2015.
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