

CRM-M-16057-2016

Date of Decision : 24.05.2016

Rattan @ Pilli

.....Petitioner

versus

State of Haryana

....Respondent

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI****Present:** Mr. Jayender Singh, Advocate  
for the petitioner.

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

**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner along with three others is alleged to have assaulted complainant, Prithvi on 13.12.2015. The petitioner is alleged to have given iron rod blow on the leg and hands of the complainant. Petitioner claims that he was not named in the FIR and has been involved on the basis of disclosure statement of the co-accused. Injuries attributed to the petitioner, are on non-vital parts of the body of the complainant and the co-accused of the petitioner are on regular bail.

The application has been opposed, mainly on the ground that petitioner intentionally avoided the proclamation issued against him under Section 82 Cr.P.C. or appearance before the Court and that the petitioner was declared proclaimed offender on 16.04.2016.

I have gone through the police record. It is apparent that the petitioner had filed an application for pre-arrest bail on 12.04.2016 before the Sessions Court. The order declaring him proclaimed offender was passed on 16.04.2016. Whether a person who has approached a Court for protecting his liberty can be said to be avoiding proclamation,

will be a debatable issue in the proceedings in which the petitioner has challenged the order declaring him proclaimed offender. The petitioner no doubt has adopted a clever device to approach this Court without disclosing that he has been declared a proclaimed offender on the date when he filed the present petition and in the garb of the interim order passed by this Court he has appeared before the trial Court and availed concession of interim bail. In this manner, he has been able to wriggle out of the order declaring him a proclaimed offender. Such a practice deserves to be deprecated. It has been informed that an FIR under Section 174-A IPC has also been registered against the petitioner on 21.05.2016 during the pendency of the present petition.

However, considering the role of the petitioner when no specific grievous injury has been attributed to him, he can be granted the concession of pre-arrest bail as sending him behind bars will not serve any purpose. The petition is accordingly allowed. Interim order dated 10.05.2016 is hereby made absolute subject to the condition that petitioner will not absent himself without any sufficient cause during the course of trial.

**(M.M.S. BEDI)**  
**JUDGE**

**24.05.2016**  
*Neha*