

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: July 26, 2016

1. CRM M-22485 of 2016

Vinay Arora

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRM M-25101 of 2016

Vinay Arora

.....Petitioner

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr.L.R. Sharma, Advocate for the petitioners in
both the petitions.

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

This order will dispose of two petitions bearing CRM M-22485
of 2016, for grant of pre-arrest bail and CRM M-25101 of 2016 challenging
the order of proclaimed offender.

Petitioner has filed second petition for grant of pre-arrest bail first having been dismissed by this Court vide order dated December 20, 2010, annexure P-4 which was filed by petitioner and others.

Petitioner claims that all the co-accused of the petitioner were tried and acquitted on September 9, 2013. The petitioner was not able to get the benefit of acquittal order as he had been declared a proclaimed offender on March 19, 2012 without any notice. The petitioner has challenged the order declaring him proclaimed offender on March 19, 2012. It is averred by the petitioner that he had not been residing at the address where the alleged proclamation had been issued. Petitioner has offered to surrender before the Illaqa Magistrate and face trial in case the prosecution agency still wants to prosecute him by filing supplementary challan.

I have considered the facts and circumstances of the case and I am of the opinion that the petitioner being a proclaimed offender could not have been permitted to file the present petitions but as the acquittal order has been passed on merits qua the co-accused, indulgence can be shown in the interest of justice especially when the petitioner is ready to surrender before the Area Magistrate and face trial.

Notice to Advocate General, Haryana in both the cases.

On the asking of the Court, Mr. G.S. Salwara, DAG, Haryana, accepts notice. Copy given.

Without entering into the controversy regarding the reasonableness of the order declaring the petitioner a proclaimed offender

vide order dated March 19, 2012, striking a balance between the rights of the petitioner to face trial and that of the prosecution agency to secure the presence of the petitioner to face trial, I deem it appropriate to dispose of this petition in limine with a direction that the petitioner will put in appearance before the Area Magistrate, as undertaken by his counsel, on August 26, 2016 along with an application for grant of bail. The said Court shall issue notice to the State for August 29, 2016 and release the petitioner on bail on said date. The State may, meanwhile, take decision whether the prosecution agency intends to present challan against the petitioner in view of the prosecution witnesses having already not supported the case of prosecution.

Both the petitions are disposed of with the above said directions. It is observed that on appearance of the petitioner on August 26, 2016 before the Area Magistrate, the order declaring him proclaimed offender will automatically cease to exist.

July 26, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.