

CRM-M No.30313 of 2016

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

Date of decision : 07.10.2016

1. CRM-M No.30313 of 2016

Rajiv

..... Petitioner

versus

State of Haryana

..... Respondent

2. CRM-M No.31286 of 2016

Rajiv

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr.Kuldeep Tiwari, Addl.AG, Haryana

AJAY TEWARI, J. (Oral)

This order shall dispose of the above said two petitions since

they have arisen out of a common FIR.

On 05.10.2016 the following order was passed :-

“These are the two petitions, one is for grant of anticipatory bail and the other is for challenging the order, declaring the petitioner as proclaimed offender.

Learned counsel for the petitioner has argued that in this case, an FIR was lodged that some unknown person had stolen the mobile of the complainant. After two years, one Sandeep was arrested with the phone and he is alleged to have stated that he has purchased the phone from the petitioner. However, that person had been acquitted and while acquitting him even doubted the recovery.

Learned State counsel has argued that though the law which is not developed is that the petition for grant of anticipatory bail would not lie against the person who had been declared as proclaimed offender and in any case, the order declaring proclaimed offender is a revisable order, yet if it is correct that while acquitting Sandeep had even doubted the recovery. He would not oppose the maintainability of these petitions.

Learned counsel for the petitioner seeks time to verify the fact(s).

Adjourned to 07.10.2016.

A photocopy of this order be placed on the file of connected case.”

Learned counsel has shown to the learned Addl.AG a certified copy of the judgment and order passed in the case of co-accused Sandeep and learned Addl.AG has fairly accepted that even the recovery from the aforesaid Sandeep has been doubted.

In the circumstances both the petition/s are allowed. It is directed that the petitioner would surrender before the Court who shall release him on bail to face trial.

Since the main case has been decided, the Civil Misc.
Application, if any, also stands disposed of.

OCTOBER 07, 2016
sunita

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No