

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

CRM-M-42139-2016 (O&M)
Date of decision : 29.11.2016

Umar Mohd.

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Tewatia, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana,
assisted by ASI Mahender Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.129 dated 15.04.2004, registered under Sections 411, 420, 467, 468, 471, 379 and 120-B of the Indian Penal Code, at P.S. Hathin (now P.S. Bahin), Distt. Palwal.

Contentends that the petitioner is not named in the FIR. There is nothing on record except the disclosure statement of co-accused Roje Khan. The stolen motorcycle was recovered from the possession of Roje Khan, who stands convicted. It is asserted that at no point of time, the petitioner was informed about the registration of the FIR. Even order dated 01.03.2005, whereby, the petitioner was declared a proclaimed offender, was passed without effecting proper service. The petitioner was arrested on 03.09.2016.

On the other hand, learned State counsel submits that the petitioner remained proclaimed offender for a number of years, therefore,

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I attest to the accuracy and
authenticity of this document
Chandigarh

does not deserve the concession of bail. However, he fairly concedes that the petitioner is not involved in any other FIR.

Heard.

The petitioner is not named in the FIR. Learned State counsel has not been able to refer to any document on record to show that service was effected upon the petitioner before passing of order dated 01.03.2005, whereby, he was declared proclaimed offender. The trial qua co-accused already stands concluded. The petitioner is not named in any other FIR.

Keeping in view the above and without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.11.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No