

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 4242 of 2016
Date of decision:-18.2.2016

Zuned

Petitioner

vs.

State of Haryana

Respondent

Present: Ms. Monisha Lamba, Advocate.
Mr. CS Bakshi, Addl.A.G.Hry

M.M.S.BEDI,J.

The petitioner apprehends arrest in a case registered against him pertaining to an incident of 20.10.2013 alleging that he was found excavating stones and escaped on tractor when followed by the police party. The pre-arrest bail application of the petitioner was dismissed on 9.7.2014. The petitioner could not be arrested despite his application for pre-arrest bail having been dismissed.

Counsel for the petitioner has submitted that during this interregnum period of 1 ½ years, the petitioner had shifted to Calcutta. The casual evasive approach of the petitioner prima facie would not warrant grant of pre-arrest bail to the petitioner but in view of the fact that challan qua the co-accused of the petitioner has been presented on 31.1.2015 and petitioner having not yet been declared as a proclaimed offender, striking a balance between his right of liberty and right of the prosecution agency to secure the presence of an accused during trial, I deem it appropriate to enable the petitioner to surrender before the Illaqa Magistrate for trial in accordance with law.

The petition is disposed of with a direction that the petitioner will surrender before the Illaqa Magistrate on 19.3.2016. The said court shall issue notice to the State for 21.3.2016. In case of petitioner offering bail, he would be released on bail on 21.3.2016. It will be open to the investigating agency to present supplementary challan against the petitioner for trial along with other co-accused.

February 18 ,2016
TSM

(M.M.S.BEDI)
JUDGE

