

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

CRM-M-14552-2018

Date of Decision: April 06, 2018

Kuldeep Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rahul Deswal, Advocate for the Petitioner.

SUDIP AHLUWALIA, J.

In this Application, the Petitioner seeks his release on Anticipatory Bail in connection with FIR No.152 dated 3.6.1994, under Sections 409, 468 and 471 of the IPC of Police Station Chandni Bagh, Panipat.

2. He was originally on bail but absented from the proceedings way back in the year 2008. The Ld. Trial Court issued various processes against him but his attendance could not be secured on account of which, Proclamation proceedings were initiated against him and he was declared a Proclaimed Offender in the year 2009.

3. The explanation of the Petitioner in this regard is that he had changed his residence during the pendency of the trial. Admittedly, he had absented on 25.9.2008, although the submission in this behalf is that he was not communicated about this date by his Ld. Counsel. It is further submitted that the processes by way of bailable/non-bailable warrants issued against him were not executed as he had shifted from his original address in the

meantime, and a perusal of various Zimni Orders passed by the Ld. Trial Court also goes to show that such processes against him were received back without being executed. He therefore, claims that he was not aware about the subsequent proclamation proceedings. However, he was convicted in connection with another criminal case arising out of FIR No.27 dated 7.1.2009 under Section 18 of the NDPS Act of Police Station City, Panipat, and remained in detention after his conviction for the period between 15.1.2011 to 4.3.2018 which was therefore, in excess of seven years. He was ultimately released on 14.3.2018 and then learnt about the Proclamation Order against him. In the meantime, the Ld. Trial Court had issued a Warrant for his production in which, the date for that purpose happens to be 13.4.2018.

4. The Petitioner undertakes to surrender before the Ld. Trial Court after having become aware of the pendency of processes against him.

5. In view of the grounds noted above, the matter is disposed of with a direction that execution of the pending processes issued against the petitioner shall remain stayed for one week from today. In the meantime, he shall surrender himself before the Ld. Trial Court and seek fresh bail which may be granted to him upon imposition of such terms and conditions as deemed fit and proper by the Ld. Trial Court. This order shall automatically stand vacated after 13.4.2018.

April 06, 2018
AS

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No