

Crl. Misc. No. M-24391 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-24391 of 2018

DATE OF DECISION:06.07.2018

Sulekha @ Sulekh Chand

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gautam Diwan, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 125 dated 16.8.2004 under Sections 323/324/34 IPC and Section 325 and 326 IPC added later on, at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner was summoned to face trial in aforesaid FIR along with other accused on an application filed by the prosecution under Section 319 Cr.P.C. Learned counsel further contends that the petitioner was neither served with any notice nor was aware about the orders passed by the trial Court and ultimately was declared proclaimed offender. Learned counsel also contends that the petitioner has been declared proclaimed offender without following the proper procedure. The petitioner is ready to surrender before the trial

Court and to join the Court proceedings.

The case came up for hearing on 31.5.2018 and learned counsel for the petitioner sought time to address arguments as to how anticipatory bail can be granted to the accused, who is proclaimed offender.

Learned counsel for the petitioner contends that PO order has already been challenged separately.

It is a settled proposition of law that accused cannot be granted anticipatory bail when he has already been declared PO. Accordingly, the present petition is dismissed

However, in case the petitioner surrenders before the trial Court within a period of two weeks and moves an application for grant of regular bail, trial Court is directed to consider and decide the same within a period of two weeks thereafter in accordance with law.

July 06, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No