

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

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CRM-M No.9218 of 2017
Date of Decision: March 16th, 2018

Manish Partap Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of learned counsel for the petitioner that the petitioner being resident of Mathura has always been appearing before the trial Court on the dates fixed but because of the ill health as he was suffering from dengue, he could not appear before the Court. Initially, application for grant of exemption from appearance was moved which was allowed by the Court, however, on the subsequent dates, because the petitioner could not appear before the Court, proceedings under Section 82 of the Criminal Procedure Code were initiated against the petitioner and he was declared a proclaimed offender on 13.11.2017. Petitioner, after recovering, had surrendered before the Court on 15.01.2018 and since then, he is in custody.

Counsel for the petitioner states that the petitioner undertakes that he would, in future, irrespective of whatever may be the situation, always appear before the trial Court without fail. It has further been stated that 8 witnesses have been examined out of 19 witnesses and the trial is not likely to conclude in near future and no useful purpose would be served by keeping the petitioner in custody in the light of the undertaking

given by him in Court today. Prayer for grant of regular bail is, therefore, made by the counsel.

On the other hand, counsel for the State, on instructions from ASI Jai Bhagwan, Police Station Parao, Ambala, submits that the petitioner had been avoiding the proceedings before the trial Court and had been delaying the trial intentionally by absenting himself from Court. He, however, could not dispute the fact that out of the 19 witnesses, only 8 witnesses have been examined. Prior to his absence, he had been appearing on all dates. He, therefore, prays that the present petition be rejected as the petitioner was declared a proclaimed offender.

Keeping in view the fact that the petitioner, after he was declared a proclaimed offender, had surrendered before the trial Court and earlier had been appearing regularly and the trial is not likely to conclude in near future, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Duty Magistrate, Ambala.

March 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No