

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

CRM-M No. 7087 of 2019

Date of decision : 15.02.2019

Sonu

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Kartar Singh, Advocate for the petitioner.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for releasing the petitioner on anticipatory bail in case FIR No.28 dated 11.02.2013 under Sections 148, 149, 323, 506 IPC registered at Police Station Sadar - Ballabgarh, Distt. Faridabad.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated. Co-accused of the petitioner namely Satpal and Amit have already been acquitted by the trial Court vide judgment dated 13.06.2018 and 05.01.2019, respectively. Earlier the petitioner was produced before the Court on 28.02.2013 and was admitted to bail. He did not appear before the trial Court on 25.08.2014 and warrants of arrest were issued against him. Thereafter, he was declared proclaimed person on 30.04.2016 without following the mandatory provisions. Learned counsel further submits that the petitioner did not receive any notice. He is ready to join the Court proceedings.

Heard learned counsel for the petitioner and gone through the paper-book carefully.

Petitioner was earlier admitted to bail. Subsequently he did not appear before the trial Court and has been declared proclaimed person by mentioning in the order that period of 30 days has expired. Said order was passed contrary to mandatory provisions but it has not been challenged by the petitioner. Petitioner is ready to appear before the trial Court.

Accordingly, the present petition is disposed of with the direction that in case the petitioner surrenders before the trial Court within a period of one week from the date of receipt of certified copy of this order and moves an application for regular bail, the trial Court is directed to consider the same and take necessary action in accordance with law within a period of one week thereafter.

Meanwhile, the proceedings declaring the petitioner as proclaimed person, be kept in abeyance till the decision of the application.

Disposed of.

15.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No