

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

**CRM-M No.14654 of 2019 (O&M)
Date of Decision: 30.05.2019**

Chakar Pal

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Deepender Singh, Advocate for the applicant/petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for respondent No.1/State.

MAHABIR SINGH SINDHU, J. (Oral)

CRM-18031-2019

Application is for placing on record the copy of order dated 23.04.2019, passed by learned JMIC, Faridabad as Annexure P-6 with the further prayer seeking exemption from filing typed/certified of the same.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Accompanied order is taken on record as Annexure P-6.

Registry to tag the same at the appropriate place.

MAIN CASE

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.73 dated

29.04.2016, under Sections 148, 149, 323, 379 of the Indian Penal Code, 1860 (Sections 379-B, 120-B & 506, IPC added later on), registered at Police Station Chhainsa, District Faridabad.

This Court, while issuing notice of motion on 01.04.2019, passed the following order:-

“ Prayer is for grant of anticipatory bail in case FIR No.73 dated 29.4.2016 under Sections 148,149,323,379 IPC (Sections 379-B, 120-B,506 IPC added later on) registered at P.S Chhainsa, District Faridabad.

The FIR was lodged on the complaint of one Vinod Kumar that Sanjeev along with his son and other 4-5 unknown persons had attacked him with lathi and dandas and snatched away his golden chain weighing about two tollas.

It is stated that the report under Section 173 Cr.P.C was filed against Sanjeev, who was acquitted by the trial Court vide judgment dated 17.5.2018. After about one year and five months of the registration of FIR, the complainant submitted an application and named the petitioner besides three other persons as accused. Thereafter, supplementary report under Section 173 Cr.P.C was filed. Since the petitioner did not appear before the trial Court, he was declared as proclaimed offender vide order dated 25.5.2018 passed by learned JMIC, Faridabad.

Learned counsel for the petitioner contends that the petitioner is not even named in the FIR and that he was not aware of the proceedings pending against him. There was no intention on his part to evade the process of law. He undertakes that the petitioner shall surrender before the trial Court to face the trial.

Notice of motion for 30.5.2019.

Meanwhile, the petitioner may appear before the learned trial Court on or before 24.04.2019. On his doing so, he shall be released on interim bail by the trial Court subject to

his furnishing bail bonds and surety bonds to its satisfaction.

This shall be subject to the petitioner depositing a sum of Rs.15,000/- as costs with the District Legal Services Authority, Faridabad. ”

Perusal of order dated 23.04.2019, passed by learned JMIC, Faridabad reveals that in terms of order dated 01.04.2019, petitioner has joined the proceedings and also deposited the costs of ₹ 15,000/- with the District Legal Services Authority, Faridabad.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Om Parkash..

In view of above, interim order dated 01.04.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the learned trial Court and will not seek unnecessary adjournments.

The observations may not be considered as an expression of opinion on the merits of the case.

May 30, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes