

116.

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

CRM-M-39682-2018 (O&M)

Date of decision:11.01.2019

I.

NEHA

...Petitioner.

Versus

STATE OF HARYANA AND ANR

...Respondents.

II.

CRM-M-39919-2018

NEHA

...Petitioner.

Versus

STATE OF HARYANA AND ANR

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ashwani Sharma, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

This order shall dispose of two petitions i.e. ***CRM-M-39682-2018*** and ***CRM-M-39919-2018*** titled as ***Neha Versus State of Haryana and another.***

In ***CRM-M-39919-2018***, petitioner has sought for recalling the order dated 23.04.2018 passed in CRM-M-25551-2017 vide which, respondent No.2-Nitin Garg (husband of the petitioner) has been granted anticipatory bail despite the fact that respondent No.2 had been declared as a Proclaimed Person vide order dated 18.09.2012 passed by learned Chief

Judicial Magistrate, Sirsa. Whereas in **CRM-M-39682-2018**, petitioner has sought for recalling the order dated 23.04.2018 passed in CRM-M-13119-2016 vide which, the order dated 18.09.2012 declaring respondent No.2 as a Proclaimed Person has been set aside.

Learned counsel for the petitioner has argued that respondent No.2 had approached this Court by way of **CRM-M-25551-2017** titled as ***Nitin Garg Versus State of Haryana and another*** for grant of anticipatory bail and this Court had admitted him on anticipatory bail despite the fact that he was already declared as a Proclaimed Person. Once the accused had been declared as a Proclaimed Person, he had no right to be admitted on anticipatory bail.

Having heard learned counsel for the petitioner, this Court finds that the petitioner was represented in CRM-M-25551-2017 wherein respondent No.2 was admitted on anticipatory bail vide order dated 23.04.2018. Similarly, respondent No.2 had challenged the PO order independently by way of **CRM-M-13119-2016** titled as ***Nitin Garg Versus State of Haryana and another*** and vide order dated 23.04.2018, this Court had allowed the said petition observing therein that since respondent No.2 has surrendered before the trial Court and has been released on interim bail, the order dated 25.04.2016 granting interim bail to him was made absolute. The relevant extract of the order reads as under:-

“In view of the fact that the petitioner has surrendered before the trial court and thereupon, has been released on interim bail, at this stage, without commenting on the merits of the case, order dated 25.04.2016 granting interim bail to the petitioner is made absolute. Consequently, the impugned order dated 18.09.2012 passed by the trial court is hereby set aside.”

It is not in dispute that now respondent No.2 has surrendered before the trial Court.

In view of above, this Court finds no reason for interference in the orders passed by this Court.

Accordingly, both the petitions are hereby dismissed.

(HARI PAL VERMA)
JUDGE

11.01.2019

sanjeev

Whether speaking/reasoned Yes/No.

Whether Reportable: Yes/No.