

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-27342-2019

Date of decision: 26.06.2019

Minta

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.16 dated 05.03.2016 under Sections 323, 325 & 34 of Indian Penal Code, registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner states that the petitioner is on bail in that case. The challan was presented before the trial Court on 17.01.2017. Thereafter, the matter was compromised between the parties. The petitioner left for Muscat (Oman) to earn his livelihood in March 2017. The petitioner was under impression that as the matter has been compromised, his presence will not be required. However, the trial Court has issued non-bailable warrants against the petitioner on 09.08.2017 and he has been even declared as a proclaimed offender vide order dated 03.01.2018 (Annexure P-8). The petitioner has already filed a petition

bearing CRM-M-24987-2019 for quashing the FIR on the basis of compromise in which notice has been issued and the same is pending for 01.08.2019. The non-appearance of the petitioner is wholly un-intentional. He further states that the order declaring the petitioner as proclaimed offender is vitiated inasmuch as no summons in regard thereto were effected on the petitioner. The petitioner is ready to surrender before the trial Court and to participate in the proceedings.

Notice of motion.

Ms. Anu Pal, DAG, Punjab and Mr. Jagdeep Singh Chahal, Advocate, who are present in the Court, accept notice on behalf of respondents No.1 & 2 respectively and counsel for respondent No.2 affirms the genuineness of the compromise.

In view of the above, the present petition is allowed. The petitioner may appear before the learned Illaqa Magistrate on or before 09.07.2019. On his doing so, he shall be released on bail to the satisfaction of trial Court. The petitioner undertakes to appear before the trial Court as and when required. He shall remain bound by the undertaking.

(HARINDER SINGH SIDHU)
JUDGE

26.06.2019

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Whether speaking/ reasoned:

Yes

Whether Reportable:

Yes/No