

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

CRM-M-30319-2019
Date of decision: 19.08.2019

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. P. S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 03.04.2018, vide which the petitioner has been declared as proclaimed offender in FIR No.35 dated 26.04.2011 registered under Sections 323, 427, 452, 506, 148, 149 IPC and 25/27 of the Arms Act at Police Station C. Division, District Amritsar.

On 19.07.2019, the following order was passed:

“Counsel for the petitioner has submitted that the petitioner was earlier granted anticipatory bail, however, he could not appear before the trial Court on 02.01.2018 as he was involved in another FIR No.101 dated 08.07.2017, in which the petitioner apprehending his arrest, could not appear before the trial Court, however later on, he was declared innocent in the said FIR No.101 dated 08.07.2017 and during that process, he was declared as proclaimed offender in the present FIR No.35 dated 26.04.2011. It is further submitted that the petitioner is ready to appear before the trial Court and apply for fresh bail.

Notice of motion for 19.08.2019.

In the meantime, the petitioner is directed to appear before the trial Court within a period of 10 days from today and the trial Court will release the petitioner on interim bail subject to his furnishing bail/surety bonds and on deposit of costs of Rs.10,000/- on account of delaying the proceedings, with the District Legal Services Authority, Amritsar.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.”

Learned counsel for the petitioner submits that in pursuance to the aforesaid order, the petitioner has already appeared before the trial Court and has been released on interim bail. It is further submitted that the petitioner has also deposited the cost of Rs. 10,000/-, as imposed by this Court, with the District Legal Services Authority, Amritsar. A receipt in this regard is also placed on record.

The aforesaid fact is not disputed by learned State counsel, on instructions from the Investigating Officer.

In view of the above, this petition is allowed and order dated 19.07.2019 is made absolute.

Since the petitioner has already appeared before the trial Court and has also deposited the cost as imposed by this Court for delaying the proceedings, the order dated 03.04.2018, declaring the petitioner as a proclaimed offender, is also set aside.

19.08.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No