

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

**CRM-M-14888 OF 2020
DATE OF DECISION : 19.06.2020**

Jakir**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

**Present : Mr. Tushar Gautam, Advocate,
For the petitioner.**

Mr. Vikrant Pamboo, DAG, Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

This is a petition for grant of anticipatory bail in case FIR No.104 dated 07.05.2014 under Sections 395/341/342/120-B IPC and Section 25 of Arms Act, registered at Police Station Siwani, District Bhiwani.

2. As per allegations in the FIR, petitioner along with others, looted a truck containing 21 tons of Binola, cash of Rs.18,000/- and two mobile phones.

3. Learned counsel for the petitioner submits that neither in the course of investigation of FIR in question the petitioner was ever summoned by the Investigating Officer/concerned police officials, nor after filing of the challan and during the trial, he was served an summons by the trial Court. Therefore, he was not in the knowledge of any FIR or criminal proceedings pending against in the court. He further submits that co-accused in the FIR have already been acquitted by the trial Court, while on the other hand, due to

his unintentional non-appearance for lack of knowledge of the proceedings, he has been declared as Proclaimed Offender.

4. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the proceedings, but apprehends arrest for no fault of him, since the proceedings under Section 82 Cr.P.C. have been initiated after declaring him Proclaimed Offender.

5. Notice of motion.

6. Mr. Vikrant Pamboo, DAG, Haryana, who has joined the proceedings on advance service of copy of the petition, accepts notice on behalf of State of Haryana.

7. Heard learned counsel for the petitioner, as also learned State counsel.

8. It seems to be rather harsh that the petitioner should face arrest, since he was never served with any notice or summons either by police during investigation or by the court concerned during the trial. Given that the other co accused have been acquitted by the trial court, without commenting on the merits of the case, the petitioner is directed to appear before the trial Court/Duty Magistrate/Illaq Magistrate. On his doing so, he shall be admitted to bail on furnishing personal bail bond and surety bond to the satisfaction of the Court concerned.

9. The petition stands disposed of in above terms.

19.06.2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No