

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54430-2019

Date of Decision: 22.01.2020

Deepak Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Devender Arya, Advocate for the petitioner.

Mr. Praveen Bhadu, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.401 dated 12.09.2019 under Section 174-A IPC, 1860, registered at Police Station Sector-5, Panchkula. He apprehended his arrest at the hands of Police.

On 19.12.2019, the following order was passed by the Court:

“Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.401 dated 12.09.2019 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Sector-5, District Panchkula, District Panchkula.

Learned Counsel for the petitioner has submitted that the the petitioner was declared proclaimed person by learned Judicial Magistrate Ist Class, Panchkula vide order dated 29.08.2019. The petitioner was not residing at the address mentioned in the complaint and he has not received any notice regarding proclamation.

Notice of motion.

On the asking of the Court, Mr. Ramesh Kumar

Ambavta, AAG, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 22.01.2020.

In the meanwhile, the petitioner is directed to appear before the trial Court within 15 days and on such appearance, he shall be released by the trial Court on interim bail on furnishing of bail bonds by him to the satisfaction of the trial Court.”

Learned counsel for the petitioner submits that as the petitioner could not arrange the surety, therefore, the compliance of above order could not be made within the given time and he prays that the petitioner would submit himself before the police on or before 05.02.2020.

On the other hand, learned State counsel on instructions from HC Purushotam submits that as there were two different addresses of the petitioner where he was not found, therefore, untraced report has been submitted in the case.

Considering the above undertaking given by the petitioner to submit himself before the police, the petition is allowed and the interim bail granted by this Court vide order dated 19.12.2019 is made absolute.

22.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No