

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

CRM-M-4109-2021 (O&M)

Date of Decision: February 08, 2021
(Heard through VC)

Mandeep Singh alias Rubal

... Petitioner

Versus

State of Haryana

... Respondent

CRM-M-5681-2021 (O&M)

Mandeep Singh alias Rubal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rohit Kaushik, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. This order of mine shall dispose of two petitions mentioned above . The former petition has been filed under Section 438 of the Code of

Criminal Procedure seeking anticipatory bail in FIR No. 443 dated 30.12.2010 registered under Sections 302, 394, 120-B IPC and Section 25 of the Arms Act registered at Police Station Shahabad, District Kurukshetra while the latter has been filed seeking quashing of order dated 17.12.2013 passed by the Additional Sessions Judge, Kurukshetra in the same FIR whereby the petitioner has been declared as a proclaimed offender.

2. The FIR has been registered on the statement of complainant Hukam Singh on the allegations that his brother was beaten up by four boys which resulted in his death. On the culmination of the investigation, report under Section 173 Cr.P.C. was submitted against five persons. The Additional Sessions Judge, Kurukshetra by his order dated 21.02.2014 acquitted four accused persons on the ground that the prosecution had failed to discharge its burden. However, Mandeep Singh alias Rubal, petitioner herein had been declared as proclaimed offender by the said Court on an earlier occasion i.e. on 17.12.2013. The petitioner herein seeks to challenge the said order on the ground that he had been falsely implicated in the said matter.

3. Learned counsel for the petitioner herein would submit that in fact after the arrest of the petitioner, he had been allowed regular bail by the Court below on 16.12.2011 and subsequent thereto, on meeting the complainant he had been assured that he had wrongly been implicated. The petitioner thereafter left the village and was unaware of the proceedings which continued therein. It is further argued that the statement of the complainant which was recorded did not mention him as one of the

perpetrators of the crime which would leave credence to the effect that he had been informed by the complainant that he had no role to play. Learned counsel prays for stay of his arrest under the said FIR on the ground that all the other co-accused already stand acquitted and that the complainant had not named him as perpetrator of the crime in the statement given. It is further prayed that the P.O. order be quashed since he had no idea that the proceedings were continuing despite the fact that the complainant had not named him as an accused in his statement.

4. Notice of motion.

5. Mr. P. P. Chahar, DAG, Haryana appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. He would contend that the petitioner had absconded after having been granted regular bail and did not put in an appearance despite the fact that the trial was proceeding.

6. I have heard learned counsel for the parties and have perused the judgment passed by the Additional Sessions Judge, Kurukshetra whereby other four co-accused persons already stand acquitted for lack of any evidence against them. In view of the facts that other co-accused stand acquitted and the petitioner has not been named by the complainant in his statement, I deem it appropriate to dispose of both the petitions and order to keep the impugned order dated 17.12.2013 in abeyance by staying the arrest of the petitioner for a period of two weeks to enable him to appear before the trial Court and move an appropriate application for having the impugned order set aside, which would be considered by the trial Court in accordance with law. He shall be admitted to interim bail to the satisfaction of the Court

till disposal of his application. Ordered accordingly.

7. Needless to say that in case the petitioner fails to surrender before the trial Court within the specified time, any interim protection allowed to him by this Court shall stand automatically vacated.

February 08, 2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No