

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

CRM-M-6611-2021 (O&M)
Date of Decision : 12.02.2021

Devender alias Bhukha

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sanjeev Kadian, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in FIR No. 363 dated 18.09.2013 registered under Sections 25 of Arms Act, 1959 registered at Police Station Sadar Sonipat, District Sonipat.

2. Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while *inter-alia* arguing that on registration of the FIR, the petitioner was arrested and thereafter granted regular bail vide order dated 26.05.2014. It is submitted that the petitioner appeared regularly before the Court below, however, on account of unavoidable circumstances he could not put in appearance on 06.07.2018

and his bail came to be cancelled. Ultimately he was declared as a proclaimed offender on 14.09.2018. It is contended that his non-appearance was wholly inadvertent as he was facing trial in two other matters before the Court below wherein he was regularly putting in appearance. It is argued that since the challan already stands presented in the present case, his custody would not be required. It is further contended that the petitioner is ready to face trial and prays for stay of his arrest to move appropriate application for having the PO order set aside.

3. Notice of motion.

4. Mr. P. P. Chahar, DAG, Haryana 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 and consequently the trial was halted.

5. I have heard learned counsel for the parties and have perused the order passed by the Additional Sessions Judge, Sonapat. Keeping in view the peculiar facts of the case, I deem it appropriate to dispose of the present petition and order to keep the impugned order dated 14.09.2018 in abeyance by staying the arrest of the petitioner for a period of ten days from the date of receipt of certified copy of this order 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 on the same day to the satisfaction of the Court till disposal of his application. Ordered accordingly.

6. 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.

12.02.2021

seema

Whether speaking/reasoned
Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes
Yes/No