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

CRM-M No.7170 of 2021

Date of Decision: 26.02.2021

Sadhu Ram

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhishek Sindhwani, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video conferencing.

Petitioner seeks grant of anticipatory bail in second
attempt under Section 438 Cr.P.C. in case bearing FIR No.269
dated 18.04.2016 under Sections 307, 34 IPC and under
Section 25 of Arms Act (Offence under Sections 120-B, 216 IPC
and 29 of Arms Act added later on) registered at Police Station
City Jind, District Jind.

CRM-M No.2103 of 2021 was got dismissed as

withdrawn with a liberty to file fresh petition in accordance with law.

Perusal of record would show that on 30.09.2019, the application for exemption from personal appearance of the petitioner was dismissed by the Additional Sessions Judge, Jind. Petitioner sought exemption on the ground that he was admitted in the hospital. The application was dismissed for want of medical record. Since the petitioner was absent, therefore, bail was cancelled and bail bonds and surety bonds were forfeited to the State.

Petitioner was summoned through non-bailable warrants for 11.10.2019. Non-bailable warrants could not be executed. Petitioner was in the knowledge of order dated 30.09.2019 as his application for exemption was dismissed in the presence of his counsel. It was observed that the presence of the petitioner cannot be secured in ordinary manner, therefore, proceedings under Section 82/83 Cr.P.C. were initiated. Proclamation was ordered on 11.10.2019 for 02.12.2019 and the same was to be executed on or before

29.10.2019 by the Executing Constable. Executing Constable was directed to appear on 31.10.2019 for making statement. Proclamation was effected on 16.10.2019. From the date of effecting proclamation, period of 30 days expired on 16.11.2019. Date already given as 02.12.2019 was already more than of 30 days as required under law.

No illegality is found in the order declaring the petitioner to be proclaimed offender.

Since the petitioner is found to be proclaimed offender, therefore, no indulgence can be granted in the petition under Section 438 Cr.P.C.

Dismissed.

However, petitioner would be at liberty to surrender before the concerned Court/trial Court and seek regular bail in accordance with law.

February 26, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |