

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

Sr. No.122

CRM-M-588-2023

Date of decision: 09.01.2023

Bhagat Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Govind Rana, Advocate and
Mr. Kanwar Abhay Singh, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

Through the present petition, challenge is made to the order dated 19.12.2022 passed by the Judicial Magistrate, Ist Class, Gurugram (for short – the Magistrate) through which the petitioner has been declared a proclaimed person.

On 01.04.2019 an FIR was registered against co-accused Mohar Pal and Surinder Yadav. The allegations in the said FIR were with regard to extortion of parking fee from vehicle owners who were parking their vehicles on Government property. They were arrested and on being interrogated they revealed that they were extorting money at the behest of the petitioner. Accordingly, the petitioner was also arrayed as an accused and arrested. Thereafter, through order dated 16.07.2019, the Magistrate granted bail to the petitioner.

After the grant of bail, in spite of several coercive orders passed by the Trial Court for seeking the petitioner's presence, for about 03 years, he failed to appear in his trial. In the year 2022 he filed a petition under Section 438 Cr.P.C. for the grant of anticipatory bail which was dismissed on 01.12.2022 by the Additional Sessions Judge, Gurugram. Such order was not challenged by the petitioner. Even thereafter, the petitioner failed to surrender before the Trial Court leading to the passing of the impugned order through which he was declared a proclaimed person.

Learned counsel for the petitioner submitted that after securing bail, the petitioner did not appear before the Trial Court on account of the Pandemic Covid-19 and also that there was a communication gap between him and his counsel appearing for him before the Trial Court. It was further submitted that the petitioner shall now appear before the Trial Court on all dates in his trial and since he was involved in petty offences his case be considered leniently.

The petitioner is being tried for having conspired with his co-accused to extort money from vehicle owners who were parking their vehicles on Government property. He was granted bail on 16.07.2019. Thereafter, for nearly 3 ½ years, the petitioner has played truant with the Court by remaining absent from his trial. He has flagrantly violated the terms of his bail and this in spite of the fact that in the interregnum the Trial Court passed several orders seeking the petitioner's attendance. Consistently, the petitioner has shown total disregard for the process of law. He deserves no leniency.

Dismissed.

January 09, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No