

2023:PHHC:112301

CRM-M-26087 of 2023 (O&M)
Date of Decision: August 28, 2023

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

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CRM No.34346 of 2023

The said application moved in compliance of the order dated 03.08.2023 is allowed. Annexure P.4 is taken on record.

CRM-M-26087 of 2023

By way of present petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case COMI CIS No.79 of 2017 in CNR No.PBAS030023322017 (Annexure P.1) complaint under Section 420 IPC dated 02.03.2017 titled as “Harpreet Kaur Vs. Navneet Kaur and others”.

Contention of learned counsel for the petitioner is that petitioner was never served at any point of time. Said contention of learned counsel for the petitioner is supported by the various zimni orders passed by the trial Court. It is revealed that summoning order in the complaint case was passed on 10.12.2021. Neither any summon or any

bailable warrants nor any warrants were ever served upon the petitioner. Proclamation was directed to be issued vide order dated 16.02.2023 for 22.03.2023. Though the said proclamation was received back on 22.03.2023 but since the period of 30 days had not elapsed, the matter was adjourned to 29.03.2023. It is rightly contended by learned counsel that there was no proclamation for 29.03.2023 but the petitioner was declared proclaimed offender on that date.

Having regard to the afore-said facts and circumstances, petitioner deserves to be granted anticipatory bail considering the fact that the petitioner was declared proclaimed offender not in accordance with law as there is clear violation of Section 82 Cr.P.C.

As such, this petition is hereby disposed of with a direction to the petitioner to surrender before the trial Court on or before 09.09.2023. On his such appearance, trial Court shall admit him to bail to its own satisfaction. If, in the meantime, petitioner is sought to be arrested pursuant to being declared proclaimed offender, then he shall be admitted to interim bail to the satisfaction of the Arresting Officer.

August 28, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No