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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M 36948-2023
Date of decision: 31.07.2023*Abhimanyu Singh Rathore**.....Petitioner**Versus**State of Haryana and another**.....Respondents***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Munish Behl, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been under section 438 of the Code of Criminal Procedure for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 209 dated 18.03.2023, registered under Sections 174-A of the Indian Penal Code, at Police Station Suraj Kund, District Faridabad.

It is submitted by counsel for the petitioner that case against the petitioner has arisen without any fault on his part. The petitioner was never served by the serving police personnel and, therefore, he was wrongly got declared as proclaimed person by the trial Court vide order dated 30.08.2017. The said order of declaring the petitioner as proclaimed person was challenged before this Court in CRM M 37089-2023, in which, the operation of the order declaring the petitioner as proclaimed person has been stayed. The petitioner undertakes to appear before the trial Court in the present FIR as well. Since the FIR has been registered at the instance of the

trial Court, therefore, the petitioner is not required for any investigation as such. The petitioner undertakes not to default in appearance before the trial Court in future. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana being assisted by Mr. Parveen Sharma, Advocate, appearing for the complainant and, on instructions from ASI Amarjeet, has submitted that the petitioner had absconded from the process of law; which resulted in registration of the FIR against him under Section 174-A of the Code of Criminal Procedure. Since the petitioner has misused the process of law, he does not deserve any protection from being taken into custody. Hence, the present petition deserves to be dismissed.

In view of the above, without expressing any opinion on merits of the case, the petitioner is directed to appear before the trial Court on or before 17.08.2023. On doing so, the petitioner shall be released on bail by the trial Court, on furnishing personal bonds and surety to the satisfaction of the trial Court.

(Rajbir Sehrawat)
Judge

July 31, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No