
(2019) 04 DEL CK 0183

In the Delhi High Court

Case No : Bail Application No. 1050 Of 2019

Yogesh

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 29-04-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 308
Code Of Criminal Procedure, 1973 — Section 82

Citation : (2019) 04 DEL CK 0183

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Rajiv Khosla, Sumit Singh, Pratistha Dobhal, Hirein Sharma

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks anticipatory bail in FIR No. 456/2018 under Sections 308/34 of the IPC at Police Station Bawana (Rohini).
2. Learned Addl. PP, under instructions from the Investigating Officer submits that petitioner has already been declared a Proclaimed Person under Section 82 Cr. P.C. and as such cannot be admitted to anticipatory bail.
3. Learned counsel for the petitioner submits that the entire proceedings smack of arbitrariness. He submits that there was a fight which had taken place in which the petitioner himself was the injured and he became unconscious and subsequently was admitted to hospital. He submits that on the complaint of the petitioner an FIR was registered against the complainant, however, no action has been taken against the complainant in the subject FIR.
4. Learned counsel for the petitioner submits that the manner in which the petitioner has been declared a Proclaimed Person shows that the Investigating Officer has acted at the behest of complainant without complying with the

requirement of Section 82 Cr. P.C. He submits that there was no cause for the Investigating Officer to obtain NBWs against the petitioner and the record shows that NBWs were not sought to be executed prior to making an application to declare the petitioner as a Proclaimed Person. He submits that no publication of proclamation was done either in any newspaper or at the last known address of the petitioner.

5. He further submits that the petitioner is working as Daftary in Punjab National Bank, Sansad Marg Branch and has been regularly attending his office, as is evident from the attendance sheet of the bank and no step had been taken to apprehend the petitioner at any point of time.

6. Learned counsel for the petitioner, however, seeks leave to withdraw the petition with liberty to approach the trial court for recall of directions declaring the petitioner as Proclaimed Person, subject to grant of protection for a limited period to enable him to approach the concerned trial court.

7. In view of the above, the petition is dismissed as withdrawn. Petitioner is granted one week's time to approach the trial court for appropriate orders.

8. It is directed that for a period of one week or till the petitioner files an application before the trial court; whichever is earlier, no coercive action shall be taken against the petitioner.

9. It is clarified that this Court has neither considered nor commented on the merits of the case.

10. The petition is dismissed as withdrawn with the aforesaid directions.

11. Order dasti under signatures of the Court Master.