

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

245

**Criminal Misc. No. M-14185 of 2015
Date of decision: January 29, 2016**

Anil Kumar Gupta

....Petitioner

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Ashok Kaushik, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

Mr. Vikram Singh, Advocate for

Mr. B.S. Tewatia, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioner, namely, Anil Kumar Gupta for quashing of proceedings arising out of FIR No.1012 dated 13.12.2013 (Annexure P-1) registered under Sections 363, 366-A, 34 of the Indian Penal Code (Sections 376-D, 506 of IPC and 4 of POCSO Act added later on) at Police Station City Ballabgarh, District Faridabad as well as order of summoning dated 26.05.2014 (Annexure P-2) and order

dated 02.12.2014 (Annexure P-4) whereby the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner submits that the main accused has been acquitted of the charge by the trial Court and co-accused, namely, Chander Pal, Ram Phal, Tara Devi and Dev Raj @ Chunmun filed a revision petition before this Court i.e. Criminal Revision No.2252 of 2014 to challenge the order of summoning passed under Section 319 Cr.P.C. Said petition was allowed and order of summoning was set aside. Accused were discharged vide order dated 11.01.2016 by this Court.

Learned counsel for the respondent-State has not disputed the acquittal of the main accused.

Admittedly, the petitioner was declared proclaimed offender and has not faced trial. It cannot be said at this stage whether the evidence against the petitioner is the same or not. It has been argued that the main accused has already been acquitted of the charge by the trial Court and the petitioner is also entitled to be discharged and the FIR is liable to be quashed. The order vide which the petitioner has been declared as proclaimed offender has also been challenged in the present petition alongwith quashing of the FIR.

In view of the submissions made by learned counsel for the petitioner, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court within a period of two weeks and in case, he surrenders within the stipulated period, the trial

Court is directed to release the petitioner on interim bail on his furnishing bail/surety bonds to its satisfaction.

The trial Court is also directed to make all efforts to conclude the trial preferably within a period of three months thereafter.

January 29, 2016
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(DAYA CHAUDHARY)
JUDGE