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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25246-2017 (O&M)

Date of Decision: 27.07.2017

Parshant Awasthi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. J.S. Hooda, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

CRM-23285-2017

Allowed as prayed for.

Annexure P-3 is taken on record.

CRM-M-25246-2017

Notice of motion.

2. On the asking of the Court, Mr. Vikas Malik, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

3. In this petition, the petitioner has prayed for quashing the impugned order dated 11.09.2015 (Annexure P-1) passed by the Ld. Judicial Magistrate Ist Class, Palwal in the criminal proceedings arising out of the FIR No.365 dated 13.09.2013 under Sections 420, 406 & 506 of the IPC. The FIR was lodged against the two persons including the petitioner. Both were granted bail in the case. However, after completion of the investigation, the petitioner, who is a resident of the State of Uttar Pradesh,

was unable to appear in the Ld. trial Court. Consequently, appropriate

processes were issued to compel his appearance culminating in the impugned order vide which he was declared a Proclaimed Offender. Contention of the petitioner is that he was suffering from Hepatitis C/Enteric fever for the prolonged period on account of which he could not communicate his local counsel nor appear before the Ld. trial Court. To support this contention, he has placed on record the requisite copy of Medical Certificate issued by the E.M.O. Combined District Hospital, Kannauj (Annexure P-3).

4. In the given circumstances, there does appear to be substance in the petitioner's contention. For this reason, the impugned order dated 11.09.2015 is quashed and the petitioner is directed to surrender before the Ld. trial Court within a fortnight from to date, after which his application, if any filed, shall be dealt with by the Ld. Court below in accordance with law.

27.07.2017*Bhumika***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No