

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 33405 of 2017
Date of Decision : 13.09.2017

Mantesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ravi Chadda, Advocate for the petitioner.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking quashing of order dated 19.12.2016 (Annexure P-4), whereby he had been declared as proclaimed person in FIR No. 69, dated 27.02.2016, under Sections 406, 420 IPC, registered at Police Station Farakpur, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner had filed a petition bearing CRM No. M-44844 of 2016 for quashing the afore-noted FIR on the basis of compromise dated 08.12.2016. A Coordinate Bench of this Court vide order dated 15.12.2016 after issuing notice to the respondents had directed the parties to appear before the trial Court on 18.01.2017 for recording their statements with regard to the genuineness of the compromise. Learned counsel further contends that however the learned trial Court by the impugned order passed on 19.12.2016 had declared the petitioner as proclaimed person. He also contends that the petitioner has been residing at Panchkula while the alleged notice is stated to have been served at his address to Ludhiana, where he was earlier residing. He has not been residing at his address in Ludhiana even prior to the registration of the FIR.

Issue notice to respondents.

At the asking of the Court, Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana, accepts notice on behalf of respondent No. 1-State. Mr. Kuljit Singh Bal, Advocate puts in appearance on behalf of respondents No. 2 and 3 and states that the matter has been compromised and the petitioner may be directed to appear before the trial Court and record his statement.

Heard.

The petitioner had preferred CRM No. M-44844 of 2016 for quashing of afore-noted FIR, wherein a Coordinate Bench of this Court had issued notice and directed the parties to appear before the trial Court and record their statements on 18.01.2017. However, before the parties could appear and their statement could be recorded, the impugned order declared the petitioner as proclaimed person had been passed.

Further, service is stated to have been effected upon the petitioner at his address in Ludhiana, while he was residing at Panchkula. The parties have compromised the matter and, therefore, it would be in the interest of justice, if the petitioner is directed to appear before the trial Court and protected from arrest.

Consequently, the impugned order dated 19.12.2016 declaring the petitioner as proclaimed person, is set-aside. The petitioner shall surrender before the trial Court within a period of two weeks from today and submit his bail bonds to its satisfaction.

However, it is made clear that in case the petitioner does not surrender before the trial Court within the stipulated time, this order shall stand vacated.

(ANUPINDER SINGH GREWAL)
JUDGE

September 13, 2017
kanchan

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No