

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

CRL. MISC. No.M-34309 OF 2016
DATE OF DECISION : 6th MARCH, 2017

Karan Luthra

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Ravinder Bangar, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

Ms. Tanushree Gupta, DAG, Haryana accepts notice on behalf of the State.

Rule heard forthwith with consent of learned counsel for the contesting parties.

The petitioner has put to challenge the FIR No.388 dated 10.12.2013 registered under Section 420 IPC at Police Station Sadar Thanesar, District Kurukshetra.

Looking to the fact that the FIR is of the year 2013, the present petition is dismissed qua prayer no.1 i.e. for quashing of FIR. The next challenge is to order dated 04.09.2014 (Annexure P-2) passed by ACJM, Kurukshetra by which the petitioner was ultimately declared proclaimed offender (PO) in the pending proceedings arising out of the said FIR.

Counsel for the petitioner submits that the petitioner is ready to face the trial but the PO order (Annexure P-2) is coming in way.

According to the petitioner his father is already facing trial in the same FIR.

It is true that PO order was passed way back and the petition is also suffers from delay qua the order dated 04.09.2014. However, the relief to the petitioner in this regard cannot be declined on the ground of delay. Therefore, this court does not find it expedient to dismiss the petition for delay and laches as liberty of a person is involved. Though it is a fact that the petitioner has challenged the order after about two years, however, the petitioner has expressed his desire to join the proceedings along with his father and a chance should be given to the petitioner to be at liberty pending trial.

Looking to the charge leveled against the petitioner and the nature of the FIR and in view of the fact that his father is already facing the trial before the trial Court, I think the last chance deserves to be given to the petitioner to appear before the trial Court and face the trial but subject to some cost, which shall be deposited within fifteen days and be forfeited to the State.

In view of the above and the statement made by the petitioner that the petitioner will now hereinafter appear before the trial Court with promptitude, the order dated 04.09.2014 (Annexure P-2) declaring the petitioner as PO, is therefore set aside. The petitioner on undertaking given above shall appear before the trial Court and deposit a sum of ₹15,000/- as costs with the trial Court, which shall be forfeited to the State of Haryana.

6th March, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE