

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

**Crl. Misc. No.M-35211 of 2017
Date of Decision: 22.09.2017**

Aabid and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. M.D.Khan, Advocate
for the petitioners.

LISA GILL, J(Oral).

Petitioners seeks quashing of order dated 01.07.2017, whereby the petitioners have been declared to be proclaimed persons in FIR No. 278 dated 08.07.2014, under Sections 148, 149, 323, 325, 452, 354, 506 IPC and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station, Punhana, District Mewat.

Petitioners have been summoned to face trial as additional accused in the above said FIR vide order dated 12.11.2016. Learned counsel for the petitioners argues that the petitioners were admittedly found innocent by the Investigating Agency and were summoned by the learned trial Court on an application under Section 319 Cr.P.C. therefore, the impugned order declaring them proclaimed persons, is liable to be set aside. It is argued that the petitioners did not seek the concession of bail in this case, as they preferred CRR-4466 of 2016 challenging order dated 12.11.2016. The said

petition is still pending before this Court. Thus, the petitioners have been wrongly declared proclaimed persons vide order dated 01.07.2017, which should be set aside.

I have heard learned counsel for the petitioners and have carefully gone through the file.

It is not in dispute that the petitioners were summoned to face trial as additional accused on an application under Section 319 Cr.P.C., vide order dated 12.11.2016 i.e. almost a year ago. The petitioners chose not to appear before the learned trial Court. The sole reason set forth for not appearing before the learned trial Court by the petitioners is the pendency of CRR No. 4466 of 2016 preferred by them challenging order dated 12.11.2016. The file of Criminal Revision No.4466 of 2016 has been called for and it is noticed that the matter has been pending before this Court without issuance of notice of motion. Counsel for the petitioners in the said case sought adjournments on two occasions to place on record certain documents. Thereafter, the matter was adjourned twice on his request and on the last date of hearing when the said revision petition was listed for hearing on 25.08.2017, none appeared on behalf of the petitioners. Pendency of CRR No. 4466 of 2016 cannot *per se* be a ground for the petitioners not to appear before the learned trial Court being fully aware of the pendency of the proceedings.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 01.07.2017 passed by the learned Additional Sessions Judge, Mewat, which calls for interference by this Court in exercise of jurisdiction under Section 482 Cr.P.C.

Accordingly, this petition is dismissed.

However, in case, the petitioners surrender on or before 06.10.2017 and file an application for bail pending trial, the same shall be considered expeditiously by the learned trial Court in accordance with law.

22.09.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No