

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

CRL. MISC. No.M-48322 OF 2017
DATE OF DECISION : 16th DECEMBER, 2017

Maninderjit Singh

.... Petitioner

Versus

State of Haryana & anr.

.... Respondents

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

* * * *

Present : Mr. S. S. Momi, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of order dated 19.08.2015 (Annexure P-7) passed by learned SDJM, Pehowa in which the petitioner is declared proclaimed offender.

Notice of motion.

Mrs. Tanisha Peshawaria, DAG Haryana accepts notice on behalf of the State.

Mr. Nikhil Verma, Advocate accepts notice on behalf of respondent No.2.

Rule.

Heard forthwith with consent of counsel for the rival parties.

The petitioner is being prosecuted in FIR No.178 dated 07.05.2014 registered under Sections 148, 149, 323, 325, 341 & 506 IPC at Police Station Pehowa, District Kurukshetra. Learned counsel for the petitioner submits that the trial in respect of the co-accused has resulted in to acquittal as the complainant has turned hostile. The petitioner did

not appear before the trial Court because he was in Italy for earning his livelihood. The FIR relates to the year 2014 and offence is 325 IPC. The order dated 19.08.2015 (Annexure P- 7) declaring him proclaimed person, is passed by the trial Court because he did not appear before the trial Court. Learned counsel for the petitioner further submits that now the petitioner wants to join the trial and would furnish bail bonds and would also attend the trial with promptitude till its completion. He further submits that the petitioner would not remain absent during the trial.

Looking to the nature of the offence complained against the petitioner and the fact that the trial ended in acquittal of the co-accused and further that the compromise is now entered into by the complainant with the petitioner, I do not think that any useful purpose will be served in upholding the order declaring the petitioner as proclaimed person. No purpose will be served by pushing him behind the bars.

In that view of the matter, I think the petitioner should be given a chance to be at liberty. However, subject to some costs because he remained absent for a long period. In the result, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-48322 OF 2017 is allowed.
- (iii) Impugned order dated 19.08.2015 passed by the learned SDJM, Pehowa (Annexure P-7), is quashed and set aside.
- (iv) The petitioner be released on furnishing fresh bail bonds to the satisfaction of the concerned CJM/Duty Magistrate. The

bail of the petitioner will be subject to deposit of non-refundable costs amount of ₹5,000/- with the trial Court as a pre-condition, which shall be forfeited to the State.

- (v) The petitioner shall file an undertaking as aforesaid within a period of two weeks that he shall continue to appear before the trial Court with promptitude till the completion of trial.
- (vi) The petitioner to surrender his passport with the trial Court.
- (vii) Any further failure on the part of the petitioner shall result into taking him in custody by the trial Court.

16th DECEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned	:	Yes	No
Whether Reportable	:	Yes	No