

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

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IN VIRTUAL COURT

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CRM-M No. 14272 of 2020 (O & M)
Date of decision : 3.7.2020

Sakir

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Mohammad Arshad, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 12564 of 2020 :

Allowed as prayed for.

Main Case :

This petition has been filed by the petitioner under Section 482 of Cr.P.C. praying for quashing the order dated 23.9.2019 (Annexure P-5), passed by the Additional Sessions Judge, Palwal, whereby warrant of arrest had issued against the petitioner and his wife; and subsequent proceedings in case bearing SC No.243 of 2019 dated 30.5.2019, titled as State v. Imran, FIR No. 34 dated 5.2.2019, registered under Sections 25 of the Arms Act and Sections 307 and 34 IPC at Police Station Hasanpur, District Palwal, including the order dated 12.12.2019, whereby process of proclamation has been issued against the petitioner.

It is contended by the counsel for the petitioner that the name of the petitioner was wrongly involved in this case. Hence, during the investigation, police have found the petitioner to be innocent. However, subsequently, the petitioner was summoned by the trial Court, exercising the powers under Section 193 Cr.P.C. The petitioner had challenged that order before this Court. This Court had issued notice of motion in that petition and had directed the trial Court to adjourn the proceedings beyond the date fixed

before this Court. Hence, under a wrong impression; though totally mis-taken, the petitioner could not appear before the trial Court. As a result, the trial Court had issued warrants of arrest and the process of proclamation against the petitioner. Accordingly, the petitioner is on the verge of being declared a proclaimed person. However, the petitioner does not have any intention to avoid the course of justice. The petitioner intends to appear and to face the proceedings before the trial Court. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab, accepts notice on behalf of the State and Mr. Kunal Dawar, Advocate, accepts notice on behalf of the complainant.

Learned counsel for the State as well as counsel for the complainant do not have any objection if the petitioner appears before the trial Court.

In view of the above, the present petition is allowed and the impugned orders are quashed qua the petitioner subject to his appearing before the trial Court within 15 days from today. It is further ordered that in case the petitioner so appears before the trial Court; then the petitioner shall be released on bail pending trial subject to his furnishing bonds/sureties to the satisfaction of trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

3.7.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No