

CRM-M No. 20474 of 2020

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 20474 of 2020

Date of decision : July 27, 2020

(Through Video Conferencing)

Veena Singh and another

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Aditya Jain, Advocate and
Mr. Rajat Garg, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG., Haryana.

Mr. Atul Yadav, Advocate
for the complainant.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 482 Cr.P.C for setting aside the impugned order dated 21.8.2013 (Annexure P-3) passed by the JMIC, Gurgaon vide which the petitioners were declared proclaimed offenders in case FIR No. 355 dated 1.7.2010 under Sections 420,419,467,468,471,120-B IPC registered at Police Station City Gurgaon.

Learned counsel for the petitioners contends that pursuant to being granted the concession of interim bail by this Court in FIR No. 355 dated 1.7.2010, petitioner No.1 had joined the investigation, however the investigating officer informed her that she was no longer required by them or the court as the matter stood compromised between the parties for which a cancellation report would be filed shortly. Hence, in this background petitioner No.1 under a mistaken belief did not pursue the anticipatory bail.

Meanwhile, the Chief Judicial Magistrate, Gurgaon issued warrants of arrest

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of petitioner 1 and 2 at H.No.693/694-B Amaykhand-IIInd Indirapuram P.S. Indirapuram, Ghaziabad U.P. and H.No.116 G-Abhaykhandna Indirapuram, PS Indirapuram, Ghaziabad U.P.respectively whereas the petitioners 1 and 2 were residing at 116-G Akanksha Apartment, Abhay Khand-3, Indirapuram, Shipra Sun City Ghaziabad, Uttar Pradesh-20014 and Ward No.10, Gangaganj Sarwanpur, Amethi, U.P. respectively. The warrants of arrest of the petitioners were not executed due to wrong address and proclamation under Section 82 Cr.P.C.was published for the presence of the petitioners. Subsequently vide impugned order dated 21.8.2013 (Annexure P-3) the petitioners were declared Proclamed Offenders. Learned counsel for the petitioners contends that the Court while passing the impugned order erred in neither conducting an inquiry nor recording its satisfaction with respect to the factum of the petitioners absconding. He further contends that it was only as recently as on 1.1.2020, the petitioners learnt about the impugned order and soon thereafter they approached this Court for setting the same aside. In the circumstances, it has been submitted that the petitioners may be granted interim protection. Further, they undertake to appear before the learned trial Court to face trial.

On the asking of Court, Sh. Vikas Bhardwaj, AAG., Haryana accepts notice.

Learned State counsel on instructions from SI Abdula Khan, has opposed the prayer of the learned counsel for the petitioners by urging that they were intentionally evading their arrest and had been absconding for the last seven years.

Mr. Atul Yadav, Advocate has put in appearance on behalf of the complainant and while opposing the submissions made by learned

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counsel for the petitioners has also submitted that the petitioners were intentionally evading the process of law and infact the address on which the warrants of arrest were issued and proclamation made was the same address as given by the petitioners in the anticipatory bail applications CRM-M-2909-2010 and CRM -M-41393-2012 filed by them before this Court. He has further apprised this Court that even in CRM-M-14597-2020 which is a petition for grant of regular bail filed by the husband of petitioner No.1 in June, 2020 before this court, the address given was the same as in the aforementioned anticipatory bail applications, which left no manner of doubt about the malafide intent of the petitioners.

Heard learned counsel for the parties and perused the material on record.

The petitioners are directed to surrender before the trial Court/Illaq Magistrate on or before 4th August, 2020. Meanwhile, till the surrender of the petitioners before the trial Court/Illaq Magistrate, no coercive steps shall be taken against them by the police. However, on their appearance before the Court concerned, the trial Court shall proceed against them in accordance with law.

Disposed of.

(MANJARI NEHRU KAUL)
JUDGE

July 27, 2020
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No