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

CRM-M No.21468 of 2020

Date of Decision: 08.10.2020

Aman Kapoor

.....Petitioner

Vs

State of Haryana and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ved Parkash, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana
for respondent No.1.

RAJ MOHAN SINGH, J.

[1]. The case has been taken up for hearing through video conferencing.

[2]. Petitioner seeks quashing of order dated 06.07.2019 passed by the Judicial Magistrate Ist Class, Ambala vide which he was declared as a proclaimed offender along with all consequential proceedings.

[3]. Notice of motion to the respondents was issued on 07.08.2020. As per office report, notice issued to respondent No.2 has been received with the report that he is not residing at the given address.

[4]. Learned counsel for the petitioner submitted that in the proceedings before the trial Court, respondent No.2 was served on the given address i.e. House No.1814/3, Khatra Wada, Ambala City. After due service, he appeared before the Judicial Magistrate 1st Class, Ambala on 11.08.2015 and made a statement that he had compromised the issue with the petitioner and had no objection if the bail is granted to the petitioner.

[5]. I have considered the submissions made by learned counsel for the parties.

[6]. The factum of compromise between the parties has come on record and petitioner was granted bail by the trial Court. Thereafter, the bail was cancelled owing to absence of the petitioner on number of occasions. Non-bailable warrants were issued against him for 08.10.2018, 21.11.2018 and 04.02.2019. Ultimately, proclamations under Section 82 Cr.P.C. were issued and executing Constable was directed to execute the proclamations on or before 06.06.2019. Proclamations were done at different places. After proclamation, the petitioner was declared as a proclaimed person.

[7]. Since the petitioner was declared only as a proclaimed person, therefore, he is directed to appear before the trial Court on the date fixed. In the event of his appearance, he shall be enlarged on regular bail subject to the satisfaction of the trial Court.

[8]. With the aforesaid direction, the petition is allowed. Impugned order dated dated 06.07.2019 passed by the Judicial Magistrate Ist Class, Ambala is set aside. Petitioner shall keep on appearing before the trial Court on each and every date of hearing. Default in appearance would entail in necessary penal action against the petitioner.

October 08, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No