

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

**CRM-3773 & 3775 of 2020 in/and  
CRM-M-47407 of 2019 (O&M)  
Date of Decision: 04.03.2020**

Sunil Kumar

.... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:      Mr. R.S.Randhawa, Advocate with  
                    Mr. Sunny Namdev, Advocate  
                    for the petitioner.

Mr. Tanuj Sharma, Asst. A.G.Haryana.

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**JAISHREE THAKUR, J. (ORAL)**

This petition has been filed for setting aside the order dated 06.05.2014 passed by the Chief Judicial Magistrate, Fatehabad whereby the petitioner has been declared as proclaimed absconder in FIR No. 596 dated 22.10.2013 registered under Sections 498-A, 323, 406 and 506 IPC at Police Station, Fatehabad.

The matter has been taken up on miscellaneous applications (CRM-3773 & CRM-3775 of 2020) whereby a request has been made for preponing the case from 17.03.2020 and granting interim protection.

Learned counsel for the petitioner herein has a limited prayer that he may be permitted to join the proceedings before the trial Court. It is contended that the petitioner was residing in New Zealand, which is a fact well known to the officer who was effecting service upon him pursuant to the order dated 29.03.2014 passed by trial Court. Learned counsel for the petitioner also points out that the provisions under Section 82 and 105

an appearance was not mentioned in the proclamation issued. Proclamation was issued on 04.04.2014 to put in appearance on 11.04.2014, which is only after a period of 7 days.

Learned counsel for the respondent-State is not in a position to controvert the arguments raised regarding faulty proclamation.

Be that as it may, since the petitioner is ready to face trial, his arrest shall remain stayed for a period of 8 weeks and on arrival, he will move an appropriate application for having the order set aside and be admitted to bail.

Disposed of.

**(JAISHREE THAKUR)**  
**JUDGE**

04.03.2020  
Maninder

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |