

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34242-2021

Date of decision : 04.10.2021

Rakesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gopal Soni, Advocate
for the petitioner.

Mr.Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 of the Cr.P.C. for quashing the order dated 10.10.2011 (Annexure P-2) whereby the petitioner was declared proclaimed offender in FIR no.696 dated 24.11.2010, registered under Section 24-54-59 of Arms Act, at Police Station City Bhiwani.

On 23.08.2021, a co-ordinate Bench of this Court has passed the following order:-

"The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter-alia contends that prior to March 2010, the petitioner was neither aware of the lodging of the FIR in question nor was ever served.

Notice of motion.

Mr. Rahul Mohan, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to

file reply.

Adjourned to 07.09.2021.

In the meanwhile, operation of the impugned order dated 10.10.2011 (Annexure P-2) is stayed. The same is subject to the petitioner putting in appearance before the Trial Court within one week from today and on such appearance, the petitioner shall be admitted to ad-interim anticipatory bail. The Trial Court shall insist on heavy local sureties.”

On 14.09.2021, a co-ordinate Bench of this Court has passed the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner submits that in terms of order of this Court dated 23.08.2021 the petitioner could not appear before the Trial Court due to a communication gap between him and the petitioner and prays for the grant of another opportunity.

Taking a lenient view in the matter the petitioner is granted one week from today to appear before the Trial Court in terms of order of this Court dated 23.08.2021. In case the petitioner appears before the Trial Court within one week from today, he shall be admitted to ad interim bail. As directed in the order dated 23.08.2021, the Trial Court shall insist on heavy local sureties.

Adjourned to 04.10.2021.”

Learned counsel for the petitioner has submitted that in pursuance to the said order, the petitioner has appeared before the trial Court. As directed by the trial Court, he has furnished bail bonds in the sum of Rs.1 lac with two local sureties in the like amount, the same have been

submitted that the petitioner has joined the proceedings and would face trial, and thus, the impugned order dated 10.10.2011 declaring the petitioner as proclaimed offender may be set aside.

Keeping in view the abovesaid facts and circumstances, more so the fact that the petitioner in pursuance of the orders of this Court has appeared before the trial Court and furnished bail bonds in the sum of Rs.1 lac with two local sureties in the like amount and the same have been accepted and attested; and the petitioner has been released on bail; and he also further undertakes to appear in the proceedings and face trial, the present petition is allowed and the impugned order dated 10.10.2011 declaring the petitioner as proclaimed offender is set aside. The petitioner would keep appearing in the matter and would not delay the proceedings in any manner.

(VIKAS BAHL)
JUDGE

October 04, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No