

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

CRM-M-40137-2021 (O&M)
Date of decision: 01.11.2021

Sandeep Kumar

.....Petitioner.

vs.

State of Haryana

.....Respondent.

CORAM: - HON'BLE MR JUSTICE RAJESH BHARDWAJ

Present: - Mr. Gaurav Chopra, Senior Advocate with
Mr. Anurag Chopra, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-36592-2021

Allowed as prayed for.

Main case

Prayer in the present petition under Section 482 Cr.P.C. for quashing of the impugned order dated 08.05.2009 passed by the learned Chief Judicial Magistrate, Kurukshetra (Annexure P-7) in Criminal Case No. 58 of 2009 whereby the petitioner had been declared proclaimed offender in case FIR No. 377 dated 15.08.2008 under Sections 498-A, 406, 506 IPC, registered at Police Station City Thanesar, District Kurukshetra (Annexure P-1).

Learned counsel for the petitioner submits that the marriage between the petitioner and the complainant has already been dissolved vide an ex-parte order and decree dated 24.12.2009 passed by learned Additional Sessions Judge, Chandigarh, in a petition filed under Section 13(1) (ia) by the complainant. He submits that in the facts and circumstances, the prosecution of the petitioner is nothing but an abuse of the process of the Court.

Learned counsel for the petitioner has also placed on record the copy of air tickets of the petitioner showing that the petitioner is landing in India on 30.11.2021. He further submits that the petitioner is ready to appear before the Court concerned and prays for his protection from arrest.

Notice of motion.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana, accepts notice on behalf of the State-respondent.

In the peculiar facts and circumstances of the case, present petition is disposed of with a direction that in case the petitioner appears before the Court concerned within a period of 10 days from 30.11.2021, he would have protection from arrest for 15 days from his date of landing. In case within these 10 days he appears before the Court concerned and files an appropriate application within said period, the Court concerned would deal with the same in accordance with law.

It is made clear that if the petitioner fails to comply with this order, the protection granted vide this order would be deemed to be vacated automatically.

Disposed of in the aforesaid terms.

01.11.2021	(RAJESH BHARDWAJ)
preeti	JUDGE
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no