

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

CRM-M-40119 of 2020.

Decided on:- February 25, 2021.

Shri Ram.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Arshdeep Singh Kler, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed the present petition under Section 482 Cr.P.C. for quashing/setting aside of the impugned order dated 16.09.2008 (Annexure P-8) passed by learned Chief Judicial Magistrate, Hisar, whereby the petitioner was declared as a proclaimed offender in FIR No.451 dated 20.08.2005 under Sections 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station City Hisar.

Learned counsel for the petitioner has submitted that the petitioner was never served in the case as he is working as a driver and was not available on his permanent address. No notice was issued to him so as to

join the investigation. The orders dated 07.05.2008 (Annexure P-5) 21.05.2008 (Annexure P-6) and 04.06.2008 (Annexure P-7) passed by learned Chief Judicial Magistrate, Hisar show that the petitioner was not residing on the specified address. In this manner, despite having not been served, the petitioner was declared as a proclaimed offender vide order dated 16.09.2008 (Annexure P-8) passed by learned Chief Judicial Magistrate, Hisar. The petitioner had never received any summons or had any knowledge of the registration of the FIR in question. Moreover, the other co-accused, namely, Manoj Kumar @ Vinod, Ashish Kumar Bansal and Mathura Dass Goel, who faced the trial in the FIR, have been acquitted of the charge framed against them vide judgment dated 06.06.2014 passed by learned Judicial Magistrate 1st Class, Hisar.

He further submits that despite the fact that the petitioner was not served in the case and the impugned order dated 16.09.2008 (Annexure P-8) passed by learned Chief Judicial Magistrate, Hisar is not sustainable, the petitioner is ready to appear before the trial Court and to face the trial in accordance with law, provided he is protected in the case.

Learned State counsel submits that the petitioner has rightly been declared as a proclaimed offender vide order dated 16.09.2008 (Annexure P-8) passed by learned Chief Judicial Magistrate, Hisar, as the petitioner did not appear before the trial Court despite having knowledge of the case.

I have heard learned counsel for the parties.

Noticing the fact that the other co-accused, namely, Manoj Kumar @ Vinod, Ashish Kumar Bansal and Mathura Dass Goel, who faced the trial in the FIR, have already been acquitted by the trial Court and the

petitioner has shown his inclination to face the trial in accordance with law, it is ordered that in case the petitioner surrenders before the trial Court within a period of ten days from today, he shall be admitted on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court. The petitioner shall not cause any delay in conclusion of the trial.

Accordingly, the impugned order dated 16.09.2008 (Annexure P-8) passed by learned Chief Judicial Magistrate, Hisar is set aside and the present petition stands disposed of.

February 25, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No