

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.3907 of 2022 (O&M)
Date of Decision.04.02.2022
(Heard through VC)

Sandeep Singh @ Sabi

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Yashbir Kharb, Advocate
for respondents No.2 to 4.

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JAISHREE THAKUR J. (ORAL)

CRM No.4007 of 2022

Application is allowed.

Amended memo of parties is taken on record.

CRM-M No.3907 of 2022

This is a petition that has been filed for quashing of the impugned order dated 22.09.2009 passed by the Additional Sessions Judge, Kurukshetra whereby the petitioner has been declared as a proclaimed offender in FIR No.96 dated 09.10.2006 registered under Sections 148, 149, 323, 324, 325, 341, 307, 379, 427, 506 IPC and Section 27 of the Arms Act at Police Station Jhansa, District Kurukshetra.

Counsel for the petitioner assails the said order by contending that the petitioner was declared as a proclaimed offender on 22.09.2009 whereas he had already left for Italy in March, 2009. It is also argued that the order dated 22.09.2009 as passed by the Additional Sessions Judge,

Kurukshetra declaring the petitioner as a proclaimed offender under the said FIR would not be sustainable, in view of the fact that proper service was not effected upon him. It is further submitted that the petitioner, who is residing in India currently, is ready to face trial and in fact, the matter already stands compromised.

Learned counsel appearing on behalf of respondents No.2 to 4 i.e. the complainant & injured, would submit that respondents No.2 to 4 have no objection in case the order dated 22.09.2009 passed by the Additional Sessions Judge, Kurukshetra whereby the petitioner has been declared as a proclaimed offender is set aside.

Learned counsel appearing on behalf of the respondent-State opposes the prayer made by the petitioner by contending that the petitioner was well aware of the proceedings and without getting from the Court, he left for Italy.

I have heard learned counsel for the parties and have also perused the impugned order whereby the petitioner has been declared as a proclaimed offender. It is not in dispute that the petitioner herein had left for Italy in March, 2009. In view of the fact that the petitioner herein was residing abroad and no effort had been made by the prosecution to serve him in Italy either through publication or through the Ministry of Home Affairs as is required vide Notification No.25016/52/2019-LC dated 04.12.2019, it is presumed that due service has not been effected upon him. Consequently, the instant petition stands allowed and the impugned order is set aside. However, arrest of the petitioner is stayed for a period of one week to enable him to put in appearance before the trial court to face trial. He will surrender before the trial court on or before 11.02.2022 and on his doing so, he would be admitted

to bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial court/Duty Magistrate. It is made clear that if the petitioner does not present himself before the trial court within the stipulated time, any interim protection granted to him will be deemed to have been automatically vacated.

February 04, 2022	(JAISHREE THAKUR)
Pankaj*	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No