

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

(239)

**CRM-M-5712-2020
Date of decision:- 28.10.2022**

Shakuntla and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajay Saini, Advocate for the petitioners.
Ms. Ankita Ahuja, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”), petitioners are seeking quashing of order dated 19.12.2019, Annexure P-6, passed by the learned Judicial Magistrate First Class, Panipat, whereby they have been declared as proclaimed offenders in FIR No.1046 dated 12.08.2016, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Panipat City, District Panipat.

Upon instructions received from ASI, Balwan Singh, State counsel submits that pursuant to order dated 10.02.2020 passed by this Court, petitioners have appeared before the Trial Court and have joined the proceedings. Still further, she submits that they have been released on interim bail and have been appearing regularly thereafter.

The objective of Section 82 of the Code is to secure the presence of the accused. Once the accused has appeared before the Trial Court and joined the proceedings, the purpose is achieved and the accused cannot be described as an offender. The impugned order passed by the Trial Court, therefore, cannot be sustained.

Consequently, petition is allowed. Impugned order dated 19.12.2019, Annexure P-6, is quashed to the extent the petitioners have been declared as proclaimed offenders.

**(SUVIR SEHGAL)
JUDGE**

28.10.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No