

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-14048 of 2022
Date of decision:25.08.2022

Rahul @ Umesh Chand

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Pooja Jaglan, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

On 04.04.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of impugned order dated 28.10.2021, Annexure P-1, whereby the petitioner was declared proclaimed offender in FIR No.31 dated 01.04.2018, registered for offences under Sections 363 and 366-A of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at Women Police Station, Nuh.

Counsel for the petitioner submits that the first petition filed by the petitioner (CRM-M-10865-2022) was withdrawn with liberty to file a fresh one vide order dated 14.03.2022, Annexure P-6. Counsel submits that after investigation, the petitioner was found to be innocent, however, he was summoned by the Trial Court as an additional accused on an application filed under Section 319 of the Code of Criminal

Procedure, 1973. He submits that the petitioner is ready to surrender before the Trial Court and join the proceedings.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice on behalf of respondent-State.

List on 25.08.2022.

Let the petitioner surrender before the Trial Court within a period of three weeks from today and join the proceedings. In case, the petitioner does so, the Trial Court shall release him on interim bail on his furnishing bail/surety/personal bonds to its satisfaction.”

Counsel for the petitioner submits that pursuant to above reproduced order, petitioner has surrendered before the Trial Court, joined the proceedings and has been released on ad-interim bail.

The objective of Section 82 of the Code is to secure the presence of the accused. Once the accused joins the proceedings and cooperates with the Trial Court, he can no longer be described as absconder.

Consequently, petition is allowed. Order dated 28.10.2021 (Annexure P-1), whereby, the petitioner has been declared as Proclaimed Offender is set aside.

August 25, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>