

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

CRM-M-38178-2016
Date of Decision: 12.12.2022

KARAN RAM

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. N.S. Gill, Advocate
for Mr. Munsih Gupta, Advocate
for the petitioner.

Mr. Ram Kumar Singla, D.A.G., Haryana.

Mr. J.S. Cooner, Advocate
for respondent No.2.

HARSH BUNGER, J.

The present petition has been filed under Section 482 Cr.P.C. by petitioner, namely, Karan Ram for quashing of proceedings arising out of FIR No.148 dated 09.10.2008 (Annexure P-1) registered under Sections 419, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code at Police Station Mullana, District Ambala and all consequential proceedings arising therefrom and for quashing of order dated 26.09.2009 (Annexure P-7) whereby the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner submits that the other co-accused in this case FIR have been acquitted of the charge by the trial Court vide judgment dated 13.01.2015 (Annexure P-8) passed by the

Judicial Magistrate Ist Class, Ambala. The trial qua the petitioner could not be completed as he was in New Zealand, which resulted in his being declared a proclaimed offender. He submits that the petitioner has been wrongly declared as a proclaimed offender as no steps were taken to effect service upon him in accordance with law. He further submits that the petitioner is ready and willing to surrender himself to the jurisdiction of the trial Court and face trial.

Learned counsel for the respondent-State has not disputed the acquittal of the co-accused vide judgment dated 13.01.2015 (Annexure P-8) passed by the Judicial Magistrate Ist Class, Ambala, however, the prayer in the present petition is opposed.

I have heard learned counsel for the parties and have also perused the paper book with their able assistance.

Admittedly, the petitioner was declared proclaimed offender and has not faced trial. It has been argued that the co-accused have already been acquitted of the charge by the trial Court and the petitioner is also entitled to be discharged and the FIR is liable to be quashed. The order vide which the petitioner has been declared as proclaimed offender has also been challenged in the present petition alongwith quashing of the FIR. However, in my considered view, it cannot be said at this stage as to whether the evidence against the petitioner is the same or not. Moreover, the petitioner is ready and willing to surrender himself to the jurisdiction of trial Court and face trial.

In view of the aforementioned circumstances and also the submissions made by learned counsel for the petitioner, the present petition is disposed of with a direction to the petitioner to surrender before the trial

Court within a period of two weeks and in case, he surrenders within the stipulated period, the trial Court is directed to release the petitioner on interim bail on his furnishing bail/surety bonds to its satisfaction.

The trial Court is also directed to make all efforts to conclude the trial expeditiously.

It is made clear that in the event of the petitioner not cooperating with the trial, the trial Court shall be at liberty to proceed against him in accordance with law.

The petition is disposed in the above terms.

December 12, 2022

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**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No