

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

Criminal Misc. No.M-27144 of 2022(O&M)

Date of Decision: July 11, 2022

Devender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Sandeep Gahlwat, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

By filing the present petition, the petitioner has challenged the order dated 31.05.2017 (Annexure P-1), whereby, one Situ s/o Satyawar r/o Village Dhanana, District Sonapat was declared proclaimed person in case FIR No.58 dated 14.04.2015 under Sections 147, 149, 283 and 341 IPC, Police Station Lakhan Majra, District Rohtak.

It is the case of the petitioner that Police is connecting him with the crime as the father's name of the petitioner is also 'Satyawar' and alleging that the petitioner is also known as 'Situ'.

Ld. Counsel for the petitioner has contended that the petitioner is serving in Indian Army since 15.09.2012 and he is known by only one name i.e. 'Devender'. The petitioner was not named in the FIR. After the passing of the impugned order, the trial commenced in the aforesaid case and seven prosecution witnesses were examined. Vide judgment dated

08.05.2019, all the persons who faced trial, were acquitted by the Ld.Trial Court.

It is argued that the petitioner was never served in the case. The bailable and non-bailable warrants issued by the court in the name of 'Situ' were never executed upon the petitioner and it was reported that the said person 'Situ' is not tracable in the village. On the non-bailable warrants issued for 10.08.2016, it was specifically reported by the serving official ASI Narender Singh that “*No person by the name of Situ s/o Satyawar was found.*”. It is stated that the petitioner was not aware of any proceedings pending against him and he was never served by any notice or warrants. The petitioner is ready and willing to appear before the Ld. Trial Court.

Having considered the facts and circumstances of the case, particularly the fact that all persons, who faced the trial in the said case, have already been acquitted, this petition is disposed of with the observation that the petitioner may appear before the Ld.Trial court/Ilaqa Magistrate on or before 09.08.2022. On his doing so, he shall be released on interim bail by the Court to its satisfaction.

Meanwhile, the Warrant of Arrest issued against the petitioner may not be given effect to.

July 11, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No