

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

**CRM-M-30438 of 2020(O&M)
Date of Decision:17.05.2022**

Shyam Singh

... Petitioner

Versus

State of Haryana and another

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Tarun Seth, Advocate
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana.

Mr. Sahil Chaudhary, Advocate
for Mr. Shiv Kumar, Advocate
for respondent No.2.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner with a prayer for quashing of order dated 5.12.2018, Annexure P-3, passed by Ld. Additional Chief Judicial Magistrate, Faridabad, whereby the petitioner was declared as a proclaimed offender in criminal complaint having CIS No.COMI/29707/2013 CNR No.HRFB03-000843/2013 titled as Iqbal Singh Vs. Ajay Kumar and another, wherein the petitioner was summoned to face trial under Sections 457/380 read with Section 34 IPC.

On notice of motion State counsel appeared on behalf of State while Mr. Sahil Chaudhary, Advocate for Mr. Shiv Kumar, Advocate appeared on behalf of respondent No.2. Reply on behalf of respondent No.2 was filed contesting the claim of the petitioner.

The dispute between the parties was regarding the possession of Plot No.481-D Sector 58, Faridabad. During the pendency of the present petition the petitioner showed his willingness to handover the possession of aforesaid premises to respondent No.2 Iqbal Singh. On 15.1.2021, the counsel for respondent No.2 submitted that the possession of the aforesaid premises/plot has already been handed over to his client by the petitioner. Even today the counsel appearing on behalf of respondent No.2 admitted the aforesaid fact and further stated that he has no objection if the impugned order is set aside.

In view of the above, the present petition is allowed and impugned order dated 5.12.2018, Annexure P-3, is hereby set aside. The petitioner is directed to appear in the trial Court and to seek regular bail within next 20 days of the passing of this order.

17.05.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No