

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

CRM-M-33730-2020

Date of decision : 31.10.2022

Shokin

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

Status report by way of affidavit of Satish Kumar, HPS, Deputy Superintendent of Police, Firozpur Jhirka, District Nuh on behalf of respondent-State has been filed. As per the same, it has been recorded as under:-

“1. That the present case FIR No. 156 dated 1.8.2003, u/s 379, 188, 420 IPC, P.S Nagina was initially registered against Abdul upon the complaint of ASI Bir Singh, P.S Nagina, Nuh with regard to theft of stone from the mountain of Sehjadpur on 1.8.2003. The FIR is already on file as Annexure “P-1” therefore, for sake of brevity and to avoid repetition, the same is not being reproduced here.

2. That after registration of FIR, the investigation of the case was conducted by ASI Bir Singh and he inspected the place of occurrence and prepared its rough sketch. The statements of witnesses were also recorded. The vehicle dumper no. HR 38C 8373 was also taken into police possession vide a memo.

3. That the accused Abdul son of Rujdar, driver of the above said vehicle was arrested in the case from the spot and interrogated. During interrogation, he made his disclosure statement admitting to have committed the crime besides disclosing the name of his co-accused as Shokin (present petitioner). He also disclosed that the forged bills were prepared by its owner Shokin (present petitioner).

4. That on 5.8.2003 the co-accused Shokin (present petitioner) was also arrested in the case and interrogated. During Interrogation, he also made his disclosure statement admitting to have committed the crime.

5. That on completion of investigation, the final report under section 173(2) of Cr.P.C was filed against accused Abdul and Shokin (present petitioner) in the Learned Trial Court on 28.8.2003.

6. That during the course of trial, the present petitioner had knowingly absented from the Learned Court and resultantly he was declared a proclaimed offender on 13.6.2007. Whereas, the co-accused Abdul son of Rujdar was acquitted of the charges leveled against him by the Learned Trial Court of JMIC, Firozpur Jhirka, Nuh on 18.9.2009.

7. That thereafter Shokin (present petitioner) was re arrested in the case on 17.2.2021 and after facing trial, he has also been acquitted by the Learned Trial Court vide Judgment dated 17.2.2022 passed by Sh. Kaushal Kumar Yadav, JMIC, Firozpur Jhirka, Nuh.

8. That now no investigation or trial is pending in the present FIR and no relief as sought by the present petitioner in the present petition remains pending. Therefore, the present petition is infructuous.”

2. In the considered opinion of this Court, once the petitioner has faced trial and has been ordered to be acquitted, impugned order dated 13.06.2007 (Annexure P-3), whereby he was declared as 'Proclaimed Offender' cannot be sustained.

3. Consequently, in view of the aforesaid facts, the present petition is allowed and the order dated 13.06.2007 is ordered to be set aside.

4. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

31.10.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No