

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

CRM-M-30336-2019

Date of Decision: September 15, 2022

Mahabir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Chand Ram Olla, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of impugned order dated 19.01.2019 (Annexure P-3) passed by the learned Chief Judicial Magistrate, Fatehabad, in case No.731-CHI of 2017 (FIR No.141, dated 24.02.2017, under Sections 406, 420, 506, 419, 467, 471 and 120-B IPC), registered at Police Station City Fatehabad, District Fatehabad), vide which the petitioner has been declared proclaimed person alongwith all the consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner is one of the accused named in the FIR. He was unable to appear before the Court on account of the fact that the main accused, namely Bharat had informed him that there was a compromise arrived at between the parties. He further submits that vide impugned order dated 19.01.2019 (Annexure P-3), the petitioner had been declared as proclaimed person. He had however received no summons regarding the same and he never had any intention to run away from the trial.

Learned counsel for the petitioner further contends that the petitioner was granted interim bail by this Court vide order dated 08.07.2019 and the same was confirmed on 20.11.2019. Thereafter, the petitioner started to regularly appearing before the learned trial Court.

In view of the aforesaid facts, learned counsel for the petitioner submits that the impugned order may be set aside.

Learned State counsel on instructions from ASI Kashmir Singh has affirmed the fact that the petitioner is regularly appearing before the trial Court. In the aforesaid FIR, charges have been framed and out of 22 prosecution witnesses, 07 witnesses have been examined. The next date fixed before the trial Court is 19.09.2022.

Keeping in view the peculiar facts and circumstances of the case and the fact that the proclaimed persons proceedings are prior to the filing of the challan while the investigation was still going on; however, on having been granted interim protection by this Court in the anticipatory bail petition, he had also joined investigation and his bail was accordingly confirmed; challan was filed whereafter, he surrendered before the Court and was granted regular bail, consequent to which he is regularly appearing; therefore, this petition deserves to be allowed.

In view of the same, the present petition is allowed and the impugned order dated 19.01.2019 (Annexure P-3) is hereby set aside.

September 15, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes / No
Whether reportable: Yes / No