

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

CRM-M-45252-2019 (O&M)

Date of decision: 15.11.2022

Vikash Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. M. S. Dalal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing the order dated 27.05.2019, passed by the trial Court, vide which the petitioner has been declared a proclaimed offender in case FIR No. 212 dated 19.06.2016, registered under Sections 279, 337, 338 of the IPC at Police Station Pundri, District Kaithal; as well as for quashing the order dated 10.09.2019, whereby the order dated 27.05.2019 passed by the trial Court treating it as a complaint case.

Learned counsel for the petitioner, at the very outset, submits that vide judgment dated 24.09.2019, passed by the trial Court, the petitioner, after facing a full length trial, stands acquitted of the charges framed against him under Sections 279, 337, 338 of the IPC in aforesaid case/FIR No. 212.

Learned counsel for the petitioner further submits that during the pendency of the aforesaid proceedings, the petitioner, at one point of

time, was declared a proclaimed offender and thereafter, he appeared before the trial Court and was granted regular bail and faced the trial. It is further submitted that in such circumstances, the impugned orders are liable to be set aside, as despite the direction given by the trial Court, no FIR was registered under Section 174-A IPC as the petitioner has already appeared before the trial Court.

Learned counsel for the petitioner further submits that vide impugned order dated 10.09.2019, after the petitioner was declared a proclaimed offender in case/FIR No. 212, however, noticing the fact that the FIR was not registered, it was further directed by the trial Court that in view of order dated 10.09.2019, the proceedings be initiated against the petitioner as a complaint case. It is further submitted that even this order has been passed without appreciating law and facts and the same is liable to be set aside.

Learned State counsel could not dispute the factual position that the petitioner stands acquitted in the main case/FIR No. 212, vide judgment dated 24.09.2019. It is also not disputed that after the petitioner was declared a proclaimed offender, vide impugned order dated 27.05.2019, and he had surrendered before the trial Court and was released on regular bail and thereafter, he faced full length trial and was acquitted.

After hearing learned counsel for the parties, considering the fact that the petitioner has already been acquitted in aforesaid FIR No. 212, this Court finds that no useful purpose will be served in prosecuting the petitioner in terms of impugned orders.

Accordingly, the present petition is allowed and the impugned

order dated 27.05.2019, declaring the petitioner a proclaimed offender; as well as impugned order dated 10.09.2019, whereby a direction was issued to treat the order dated 27.05.2019 as a complaint, are hereby set aside.

15.11.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No