

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

CRM-M-53188-2022 (O&M)

Date of Decision: 16.12.2022

PARVEEN SHARMA

...Petitioner

V/s

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Kamal K. Chaudhary, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

CRM-49050-2022

This is an application for placing on record affidavit of the complainant.

For the reasons mentioned therein, same is allowed.

Affidavit of the complainant (Annexure P-4) is taken on record.

Application stands disposed of.

CRM-M-53188-2022

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for quashing of the order dated 25.02.2016 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Faridabad whereby the petitioner was declared proclaimed offender in FIR No. 30 dated 16.01.2013, registered under Sections 148, 149, 323, 325 and 506 of the Indian Penal Code and Sections 25/54/59 of Arms Act at Police Station SGM Nagar, Faridabad and all consequential proceedings arising therefrom.

Learned counsel for the petitioner contends petitioner was granted the concession of bail by the learned trial Court at the very beginning of the case. During the pendency of the trial, the complainant settled the matter with the petitioner in November 2015 and assured that matter will be withdrawn and FIR will be cancelled. Thus, the petitioner did not appear before the trial Court on 09.10.2015. Therefore, due to non-appearance of the petitioner, he was declared

proclaimed offender by the learned trial Court vide order dated 25.02.2016 (Annexure P-2).

He further submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Bhupender Singh, DAG Haryana, who is present in the Court accepts notice on the asking of the Court and submits that the order proclamation proceedings have been issued against the petitioner only on the sole ground of absence of the petitioner.

The objective of Section 82 of the Code is to secure the presence of the accused. Once the accused is willing to appear and join trial proceedings, the objective has been achieved.

Consequently, the instant petition stands allowed and impugned order dated 25.02.2016 (Annexure P-2) is set aside. However, arrest of the petitioner is stayed for a period of 2 weeks enabling him to put in appearance before the trial Court to face trial. He is directed to surrender before the trial Court on or before 30.12.2022 and on him doing so, he would be admitted to bail subject to him furnishing personal bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is made clear that if the petitioner does not present himself before the trial Court within the stipulated time, interim protection granted to him will be deemed to have been automatically vacated.

(DEEPAK MANCHANDA)
JUDGE

December 16, 2022
Ajay Goswami