

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

CRM-M-2498-2020 (O&M)

Date of decision: 14.11.2023

Harpreet Singh

....Petitioner

Versus

State of Haryana & Another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. S.S. Momi, Advocate for respondent No.2.

JASJIT SINGH BEDI J. (Oral)

Prayer in the present petition filed under Section 482 Cr.P.C., is for quashing the order dated 15.01.2015 (Annexure P-13) passed by the Judicial Magistrate Ist Class, Kurukshetra, whereby the petitioner and his co-accused Daler Singh, have been declared as proclaimed offenders.

On 29.03.2023, the following order was passed:-

“On 22.01.2020, the following order was passed in this case:-

“Present petition has been filed for quashing / setting aside the impugned order dated 15.01.2015 (Annexure P-13) passed by the learned Judicial Magistrate, Ist Class, Kurukshetra whereby the petitioner has been declared as proclaimed offender.

It is a case of the petitioner that he is residing in Germany from the last more than 10 years and proceedings against him were initiated and ultimately culminated in declaring him as proclaimed offender. The petitioner was not even aware of the proceedings against him. It has been further pointed that even otherwise, the other co-accused has been acquitted by the learned

Additional Sessions Judge, Kurukshetra. Learned counsel for the petitioner has submitted that revision petition was filed before the learned Sessions Court, Kurukshetra which was dismissed as nonmaintainable. Learned counsel has further submitted that similarly situated co-accused namely, Daler Singh filed petition bearing registration No.CRM-M-8252-2018 before this Court wherein it has been directed to the petitioner to appear before the learned Trial Court on or before 26.03.2018.

Notice of motion for 21.02.2020.

In the mean-time, petitioner is directed to appear before the learned Trial Court on or before 26.03.2018 and the learned Trial Court / Successor Court will release the petitioner on interim bail subject to his furnishing bail / surety bonds and payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Kurukshetra.

To be heard alongwith CRM-M-8252-2018”.

Thereafter, there was a clarification issued vide order dated 24.02.2020, which is reproduced hereinbelow:-

“CRM-4167-2020

Reply by way of affidavit of Deputy Superintendent of Police, Kurukshetra filed today in the Court is taken on record.

Counsel for the applicant/petitioner submits that in the order dated 22.1.2020, inadvertently, the date to appear before the trial Court has been mentioned as ‘26.3.2018’, whereas the correct date is ‘26.3.2020’.

Accordingly, the date to appear appear before the trial Court be read as ‘26.3.2020’, instead of ‘26.3.2018’.

The application stands disposed of, accordingly.

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List again on 30.3.2020.

To be heard along with CRM-M-8252-2018”.

The learned counsel for the petitioner contends that the petitioner was unable to appear in compliance of the order dated 22.01.2020 as on 26.03.2020, due to outbreak of COVID-19 Pandemic, the country was under a lockdown. She states that the petitioner is ready and willing to comply with the aforementioned order.

In view of the prayer made by the learned counsel for the petitioner, the petitioner is directed to surrender

before the Trial Court within a period of two weeks from today and subject to a deposit of Rs.50,000/- as costs with the Institute for the Blind, Sector 26, Chandigarh as also his Passport, he shall be admitted to interim bail to the satisfaction of the trial Court.

Adjourned to 11.07.2023.”

Counsel for the State and counsel for respondent No.2 have informed this Court that the aforementioned order has not been complied with.

In view of the above, the present petition stands dismissed.

Appropriate proceedings be initiated against the petitioner for attachment of his property, etc. in accordance with the law immediately.

A copy of this order be sent to the trial Court for necessary compliance.

(JASJIT SINGH BEDI)
JUDGE

14.11.2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No