

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

CRM-M-7566-2023

Date of decision : 13.02.2023

Sajjan Kumar

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Paramveer Singh, Advocate and
Mr. Vijayveer Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of order dated 19.09.2022 passed by learned Judicial Magistrate Ist Class, Sirsa vide which, the petitioner was declared proclaimed person and the FIR No.880 dated 09.10.2022, under Section 174-A of IPC, registered at Police Station Sirsa City, District Sirsa along with consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that due to non-appearance of petitioner on 25.02.2022, non-bailable warrants against him were issued for 30.05.2022 and further, on 30.05.2022, trial Court has issued proclamation under Section 82 Cr.P.C. against him which was not served upon him and hence, he was declared proclaimed person. He submits that the petitioner is ready to join the proceedings and contest the case on merit.

Notice of motion.

On asking of the Court, Mr. B.S. Virk, DAG, Haryana accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has

rightly declared him proclaimed person vide order dated 19.09.2022 as the petitioner had failed to appear before the Court on the date fixed.

Heard. As the petitioner is ready to join the proceedings and no useful purpose will be served by sending him behind bars rather, it would be appropriate if he is sent to face trial of the case. So keeping in view the abovesaid contentions, order dated 19.09.2022 is *set aside* subject to payment of Rs.20,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner. In case, the petitioner appears and surrenders before the Court concerned within a period of 7 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would consider and decide the same within three days thereafter in accordance with law. He will have protection from arrest for a period of 7 days from today. So far as the prayer for quashing of FIR No.880 dated 09.10.2022, under Section 174-A of IPC, registered at Police Station Sirsa City, District Sirsa is concerned, same is declined. However, the petitioner will be at liberty to avail his remedies as available to him in accordance with law.

Petition stands disposed of in above terms.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 19.09.2022 would come in force.

13.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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