

CRM-M-16785-2023

Date of decision : 10.04.2023

Lakhvinder Singh

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Saurabh Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned order dated 09.07.2014 passed by learned JMIC, Ambala vdie which the petitioner was declared proclaimed offender in FIR No.70 dated 08.03.2011, under Section 3(2)(a) of Prevention of Destruction of Public Property Act, 1984, Section 113 of Motor Vehicle Act, 1988 and Section 120-B of Indian Penal Code, registered at Police Station Mullana, District Ambala along with subsequent proceedings.

Learned counsel for the petitioner has submitted that the petitioner was regularly appearing before the trial Court and he was misinformed about the status of the trial and on account of such misinformation, he had gone abroad. As a result, his bail was cancelled and his bail bonds were forfeited to the State by learned trial Court. Thereafter, he was declared proclaimed offender. He submits that the petitioner is ready to join the proceedings and contest the FIR on merit.

Notice of motion.

On asking of the Court, Mr. Kirpal Singh Thakur, AAG,
Haryana accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the trial Court has rightly declared the petitioner as a proclaimed offender as he did not appear before it on the date fixed.

Heard.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be disposed of. So keeping in view the abovesaid contentions and the fact that the petitioner is ready to join the proceedings, the present petition is disposed of and the impugned order dated 09.07.2014 is *set aside* subject to payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a week. In case, the petitioner appears and surrenders before the trial Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an appropriate application for bail, the Court concerned would admit him to bail and proceed with the matter as per law. He will have protection from arrest for a period of 10 days from today.

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 09.07.2014 would come in force.

(RAJESH BHARDWAJ)
JUDGE

10.04.2023
m. sharma

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