

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20280-2023 (O&M)
Date of Decision:05.05.2023

Chinnu Sachdeva

.....Petitioner

Vs.

State of Haryana and Another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Mukesh Mehra, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

CRM-20384-2023:

This is an application under Section 482 Cr.P.C. to place on record copies of zimni orders as Annexure P-3. The said application is moved in compliance of the order dated 25.04.2023.

2. Allowed as prayed for.
3. Annexure P-3 is taken on record.

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4. Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of order dated 13.01.2023 (Annexure P-2) passed by Judicial Magistrate 1st Class, Chandigarh in complaint No.COMA-1054-2018 titled as 'Rao Varinder Singh Vs. Chinnu Sachdeva', whereby petitioner has been declared as proclaimed person along with consequential proceedings.
5. Learned counsel for the petitioner has drawn attention towards the various zimni orders placed on record as (Annexure P-3) to contend that notice sent to him was received back unserved. Later on, notice sent through

registered post was received back with the report of incorrect address, but later on as per order dated 27.10.2022, service of the petitioner was presumed on account of the fact that registered post had not been received back undelivered. Warrants of arrest have been issued which was served through phone and then vide order dated 18.11.2022 proclamation was ordered to be issued for 13.01.2023 and due to non-appearance he was declared proclaimed person.

6. Learned counsel for the petitioner further contends that petitioner is ready to surrender before the Trial Court and is ready to compromise with respondent No.2-complainant.

7. Perusal of the order dated 18.11.2022 reveals that the warrants of arrest were not served in accordance with law as petitioner should have been arrested pursuant to the warrants of arrest. Service of the warrants of arrest could not have been effected through phone. At the same time, it is noticed that petitioner had received information regarding the issuance of warrants of arrest against him through his phone, but he did not appear and it was in such circumstances that after recording the satisfaction, the Court was compelled to issue the proclamation against him.

8. Although in view of the circumstances as above, petitioner does not deserve any relief but at the same time, as he is ready to surrender before the Court and face trial, therefore, this petition is hereby disposed of with the direction to the petitioner to surrender before the Trial Court on or before 25.05.2023. On his such appearance he shall be admitted to bail on his furnishing requisite personal and surety bonds. However, this order is subject to the condition that petitioner has to pay ₹10,000/- to the

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respondent-complainant by way of demand draft before the Trial Court before admitting him to bail. In case any of this condition is not fulfilled by the petitioner, this petition shall be deemed to have been dismissed.

9. At the same time, it is directed that if in the meantime, on account of the petitioner having been declared as proclaimed person he is sought to be arrested, he shall be admitted to interim bail, to the satisfaction of Arresting Officer/Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

Disposed of.

May 05, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No