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

CRM-M-20843-2023
Date of Decision: 28.04.2023

SHAHRUKH (SHAHRUKH KHAN)

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

HARSH BUNGER, J. (ORAL)

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, for quashing the order dated 19.11.2022 (Annexure P-2) passed by Sub Divisional Judicial Magistrate-cum-Presiding Officer, Daily Lok Adalat, Ratia, in case FIR No.128 dated 28.04.2022, registered under Section 346 of the Indian Penal Code, 1860 (Sections 306 and 384 of the Indian Penal Code, added later on) at Police Station City Ratia, District Fatehabad (Annexure P-1), whereby, he has been declared as a proclaimed person.

2. Learned counsel for the petitioner submits that the arrest warrants issued by the trial Court vide three orders passed on dated 16.08.2022, 31.08.2022 and 03.10.2022, were not served upon the petitioner and thereafter, the order dated 15.10.2022 regarding proclamation has been passed by the learned Sub Divisional Judicial Magistrate, Ratia and on 19.11.2022, the petitioner was declared as a proclaimed person. Learned

counsel further submits that said order dated 19.11.2022 (Annexure P-2) declaring the petitioner as proclaimed person, has been passed by the learned trial Court without following the due procedure as prescribed under Section 82 of the Code of Criminal Procedure. It is submitted that the non-appearance of the petitioner before the trial Court on 19.11.2022 was neither intentional nor deliberate. Learned counsel for the petitioner further submitted that the petitioner is ready and willing to surrender before the learned trial Court; however, he states that in the meantime, he may be protected and appropriate directions be issued that the application for grant of regular bail to be filed by petitioner be decided in a time bound manner.

3. Pursuant to the advance copy of petition having been served upon learned State counsel, Mr. Amrik Narwal, Deputy Advocate General, Haryana, appears and opposes the request of the petitioner on the ground that the absence of the petitioner before the trial Court are delaying tactics, hence, he does not deserve any leniency.

4. I have heard learned counsel for the parties and have perused the paper book as well as order dated 19.11.2022 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate-cum-Presiding Officer, Daily Lok Adalat, Ratia.

5. In view of the afore-said undertaking given by the learned counsel for the petitioner, the present petition is disposed of with a direction to the petitioner to surrender before the learned trial Court within a period of one week from today by furnishing his undertaking before the Court that he would attend the Court proceedings regularly and shall not leave the country without prior permission of the Court and abide by all terms and conditions

to be imposed by the learned trial Court. In case, the petitioner surrenders before the learned trial Court within the stipulated period and files an application for grant of regular bail, the same shall be considered/decided by the learned trial Court expeditiously, in accordance with law. Till the time of his surrender i.e. for a period of one week from today, no coercive steps be taken against the petitioner.

6. The petition is accordingly disposed of.

April 28, 2023

gurpreet

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No