

S. No.266

2023:PHHC:163198

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21460 of 2023

Date of Decision:19.12.2023

Mahesh Yadav

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anand Vardhan Khanna, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

Petitioner was declared proclaimed person during proceedings of a case arising out of FIR No.299 dated 26.09.2014 registered under Section 406/420 IPC at Police Station Farukhnagar, Gurgaon, vide order dated 03.11.2015 passed by learned Judicial Magistrate Ist Class, Pataudi.

Petitioner challenged that order before this Court by filing CRM-M-22532 of 2018 which was disposed of vide order dated 29.10.2018 (Annexure P.6) by passing the following order:-

“Through this petition under Section 482 Cr.P.C. prayer has been made for quashing order dated 03.11.2015 (Annexure P-11) of the learned Judicial Magistrate Ist Class, Pataudi, declaring the petitioner proclaimed offender in case FIR No.299 dated 26.09.2014 registered under Sections 406 and 420 IPC at Police Station Farukhnagar, Gurgaon.

Learned State counsel, filing reply by way of affidavit of Veer Singh, HPS, Assistant Commissioner of Police, Pataudi, Gurugram, on behalf of the State, submits that instant petition is not maintainable in view of availability of legal remedy of revision to the petitioner.

Order dated 02.07.2018 of the learned Judicial Magistrate Ist Class, Pataudi, releasing the petitioner on interim bail, is made absolute. Petitioner is relegated to the trial Court to raise all the pleas, which he has raised in this

petition, for setting aside impugned order dated 03.11.2015 (Annexure P-11). Trial Court shall be at liberty to proceed against the petitioner, in case, it comes to the conclusion that he was legally declared proclaimed offender.

Disposed of.”

Learned counsel for the petitioner contends that pursuant to the aforesaid order of this Court, petitioner approached the trial Court and challenged the order whereby he was declared proclaimed person but his application has been dismissed by way of the impugned order dated 10.06.2022 (Annexure P.18).

Learned counsel for the petitioner contends that petitioner is regularly appearing before the trial Court concerned, after passing of the order dated 29.10.2018 in CRM-M-22532 of 2018 as interim bail earlier granted to him was made absolute and technically nothing survives but he apprehends that FIR under Section 174-A IPC may be registered against him because of the passing of the impugned order by the trial Court.

Since petitioner has already appeared before the trial Court after making the interim order absolute by this Court, nothing survives. As such, impugned order dated 10.06.2022 passed by learned trial Court is hereby quashed, however, subject to the condition that petitioner shall continue to join the proceedings before the trial Court.

Disposed of.

December 19, 2023

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No