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

CRM-M-24642-2023

Date of Decision: May 15, 2023

Vinod Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sukhmeet Singh, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing of order dated 26.04.2023 (P-34) passed by learned CJ(JD)-cum-JMFC Ambala in complaint No.COMI-3395-2014 titled as 'Balbir Singh vs Vinod Kumar Sharma' under Sections 406/420 IPC pending for 19.05.2023, whereby the petitioner has been declared proclaimed person.

Learned counsel for the petitioner has submitted that respondent No.2 filed the protest petition on 05.06.2014 under Sections 420, 406 IPC, Police Station Sadar Ambala Cantt. against cancelled report filed in FIR No.17, dated 13.01.2013. Thereafter the complainant led his evidence in the protest petition and placed on record documents and the trial Court summoned the petitioner vide order dated 09.05.2019. It is submitted that the petitioner never received any summons, notice/warrants issued by the trial Court and learned trial Court without going into the merits of the case wrongly declared the petitioner as proclaimed person vide order dated

26.04.2023. It is further submitted that on coming to know about pendency

of the case, he filed an anticipatory bail application, as at that time he was not declared a proclaimed person, however, the same was dismissed by learned Sessions Judge, Ambala vide order dated 02.05.2023. It is further submitted that no summons were issued on the present address as he had sold his previous house in District Gurdaspur way back on 15.01.2018 and whole family of the petitioner was shifted to Jalandhar. He submits that the petitioner is ready to join the proceedings and contest the case on merits.

Notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Learned State counsel has stated that the trial Court has rightly declared the petitioner as proclaimed person as he did not join the proceedings.

Heard.

This Court is of the view that no useful purpose would be served by sending the petitioner behind the bars rather it will be appropriate if the petitioner is directed to face trial. As he is ready to join the proceedings, the present petition is disposed of and orders dated 26.04.2023 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 period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would grant him bail to its satisfaction. 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 orders under challenge dated 26.04.2023 would come in force.

May 15, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |