

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

CRM-M-33811-2023 (O&M)

Date of Decision:17.07.2023

Parveen Kumar Tewatia

. . . . Petitioner

Vs.

State of Haryana and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ajay Pathak, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition is to quash order dated 23.10.2012 passed by learned Additional Chief Judicial Magistrate, Faridabad in case No.258/1 dated 27.05.2005 titled 'State Versus Parveen Kumar' arising out of FIR N: 365 dated 15.10.2004 registered at Police Station, Central, Faridabad under Section 379 IPC and the consequential proceedings arising therefrom in the said complaint filed by respondent No.2.

2. It is contended by learned counsel that FIR No.365 dated 15.10.2004 under Section 379 IPC was registered at Police Station Central Faridabad on the complaint of respondent No.2. Challan was filed and petitioner was chargesheeted by learned ACJM, Faridabad on 08.09.2005. Personal appearance of the petitioner was exempted for one day by the Court on 17.09.2011. Later on, petitioner was declared proclaimed offender vide impugned order dated 23.10.2012.

3. Learned counsel contends that petitioner did not receive any summons on his correct address and that service of proclamation has been effected on incomplete address. It is further contended that the petitioner

came to know in July 2023 that police was searching for him. Learned counsel further contends that impugned order is illegal because proclamation was ordered for 12.10.2012. But as on that day, period of 30 days had not expired and so, the matter was adjourned to 23.10.2012, on which date petitioner was declared PO (vide Annexure P-2).

4. Having considered submission of learned counsel for the petitioner, I find no merit in the petition. As per the own contention of the petitioner, he had been duly chargesheeted by the Court of learned ACJM, Faridabad on 08.09.2005 under Section 411 IPC and during trial, his personal appearance was exempted only for one day i.e., 17.09.2011. It is not disputed by learned counsel that petitioner had been allowed bail by the Court. Once the Court had released the petitioner on bail, he was presumed to be in the protective custody of the Court. It is also conceded that after once seeking the exemption, petitioner did not appear before the Court. After being declared proclaimed offender on 23.10.2012, petitioner kept evading the process of law for more than 10 years.

5. Having regard to own conduct of the petitioner as is apparent from the aforesaid circumstances, petitioner does not deserve any relief as sought by him in this petition.

6. Accordingly, the present petition is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

17.07.2023

Vivek

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