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

CRM-M-49289-2022

Date of decision : 18.07.2023

Hatti @ Surender

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

None for respondent No.2.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. directed against the order dated 27.08.2011 (Annexure P-3), whereby the petitioner was declared as 'proclaimed offender' observing as under:-

“Case received by transfer. It be checked and registered. A perusal of file reveals that bail of accused Surinder was cancelled on 03.02.2006. Since then, accused never appeared before the court. Proceedings U/s 82, 83 Cr.PC started against him. Statement of serving constable is also recorded on 21.10.2010. Mandatory period of 30 days has been expired. Even then accused did not appear. It seems that accused is intentionally avoiding the court. Hence, he is absconder of this court. Now, summons be issued to witnesses U/s 299 Cr.P.C for 19.9.2011.”

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2. On 17.04.2023, following order was passed:-

“By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of an order dated 27.08.2011, whereby, one Surender was allegedly declared as proclaimed offender.

In the present FIR, two persons with the same name as Surender were arrayed as accused, one Surender is son of Hari Ram and another Surender is son of Jai Pal.

From the record produced by the petitioner, it cannot be made out as to whether Surender son of Jai Pal or Surender son of Hari Ram was declared as absconder.

Let a report in this regard be called from the trial court concerned as to which of the accused was declared as proclaimed offender and vide which order.

Adjourned to 18.07.2023.

In the meanwhile, Surender son of Jai Pal shall surrender himself before the court concerned and furnish his bail bonds/surety bonds to its satisfaction, in view of the fact that 03 out of total 05 accused in the same very FIR already stand acquitted by the trial court vide order dated 05.02.2010 and the evidence against the petitioner i.e. Surender son of Jai Pal is the same and in particular when complainant, namely Satbir son of Shisram has turned hostile.”

3. Pursuant thereto, report has been received which reads as under:-

“I have the honour to submit that IO/ASI

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Channa Ram appeared on 12.07.2023 and he stated that in FIR in question, accused Surender @ Hatti son of Jaipal, R/o village Badoli, P.S. Chandhut, Faridabad was declared as a proclaimed offender by the court of Shri Yogesh Chaudhary, the then Id. JMIC, Faridabad vide order dated 31.08.2009. Copy of his statement is Annexure-I. Police report also received, copy of which is Annexure-II.

So, on the basis of above statement of IO and police report, it is clear that Surender @ Hatti son of Jaipal was declared as a proclaimed offender and not Surender son of Hari Ram.”

4. Counsel for the petitioner has placed on record order dated 06.05.2023 where from it is clear that the petitioner surrendered before the trial Court and was admitted to bail.
5. In view of above, order dated 17.04.2023 is made absolute, subject to the condition that the petitioner shall continue to appear before the trial Court without any default. In case the petitioner commits any default, the bail bonds shall stand forfeited immediately.
6. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

18.07.2023
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No