

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.201

Case No. : CRM-M-44531-2019

Date of Decision : February 02, 2023

Sanjeev @ Ganja

.... Petitioner

vs.

State of Haryana

.... Respondent

**CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.**

\* \* \*

Present : Mr. Jai Parkash Dhull, Advocate  
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

\* \* \*

**GURBIR SINGH, J. :**

This is a petition under Section 482 Cr.P.C. for quashing of order dated 23.07.2019 (Annexure P-7) passed by learned Chief Judicial Magistrate, Kaithal, in case FIR No.371 dated 11.08.2016, under Sections 147, 149, 323 IPC and Section 42 of the Prisons Act, 1894, registered at Police Station City Kaithal, District Kaithal, declaring the petitioner as 'proclaimed person'.

Learned counsel for the petitioner states that the afore-said FIR was registered on 11.08.2016 but the petitioner was not named in the FIR. Vide order dated 08.05.2019, learned Chief Judicial Magistrate issued bailable warrant against the petitioner as according to the Court, the petitioner failed to appear despite service through his brother on 28.01.2019 and 30.01.2019. Again, on 01.06.2019, the Court issued non-bailable

warrant against the petitioner and on 14.06.2019, the Court ordered initiation of proceedings under Section 82 Cr.P.C. after coming to the conclusion that the presence of the petitioner could not be procured through ordinary process. Ultimately, vide order dated 23.07.2019, the petitioner was declared proclaimed person by the Court, whereas the fact is that he was totally unaware that he was declared proclaimed person. Learned counsel for the petitioner further submits that the service of summons and warrants etc. through brother of the petitioner was all fake and a procedure adopted by the police while sitting in Police Station only. Actually the petitioner was never served and police had fabricated all the documents and reports. It was further submitted that subsequently, the petitioner surrendered himself before the Court and was admitted on regular bail on 21.08.2019.

Since the petitioner has already appeared before the Court, so, the order declaring him a proclaimed person ceases to be operative.

Learned State Counsel, on the other hand, opposed the prayer made by learned counsel for the petitioner.

Heard.

In this case, the petitioner had surrendered and had already been granted regular bail by the Court vide order dated 21.08.2019. Therefore, the order declaring the petitioner a proclaimed person ceases to be operative as he had already appeared before the competent Authority. I draw support from a judgment of this Court passed in **Smt. Deeksha Puri vs. State of Haryana – CRM-M-359-2012**, decided on 16.10.2012 by a

Accordingly, without commenting upon the merits of the case, the present petition is allowed and order dated 23.07.2019 (Annexure P-7) passed by learned Chief Judicial Magistrate, Kaithal, in case FIR No.371 dated 11.08.2016, under Sections 147, 149, 323 IPC and Section 42 of the Prisons Act, 1894, registered at Police Station City Kaithal, District Kaithal, declaring the petitioner as 'proclaimed person', is hereby quashed along with all consequential proceedings arising therefrom.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

**February 02, 2023**  
*monika*

**(GURBIR SINGH)**  
**JUDGE**

|                                    |                |
|------------------------------------|----------------|
| <i>Whether speaking/reasoned ?</i> | <i>Yes/No.</i> |
| <i>Whether reportable ?</i>        | <i>Yes/No.</i> |