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

**CRM-54735-2023 in/and
CRM-M-58265-2023
Date of Decision: 27.12.2023**

Sushma

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Veena Hooda, Advocate, for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

Rajesh Bhardwaj, J.**CRM-45735-2023**

Prayer in the present application is for grant of interim protection to the petitioner in the present FIR whereby petitioner has been declared PO even after it was in the knowledge of state that petitioner is not residing at the address on which services of summon/warrant and proclamation has done.

With the consent of learned counsel for the parties, main case is taken up on board today itself.

Main case

Prayer in the present petition is for quashing of order dated 08.10.2021 (Annexure P-11) passed by learned SDJM Bahadurgarh in FIR No.96 dated 13.02.2018, under Section 420 of IPC at Police Station City Bahadurgarh, District Jhajjar whereby the petitioner was declared proclaimed person and FIR No.453 dated 25.08.2023, under Section 174-A of IPC at Police Station City Bahadurgarh District Jhajjar was registered on

direction of learned SDJM, Bahadurgarh, during the pendency of the trial and the consequential proceedings arising therefrom.

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the FIR in which she has been declared proclaimed person. She submits that the property which was hypothecated to Bank has already been auctioned by the Bank and the petitioner resides in a rented accommodation. She submits that the petitioner is ready to appear and join the proceedings before the Court of competent jurisdiction however, as she has been declared proclaimed person, she is unable to appear before the Court.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person on 08.10.2021, who remained absent without any reason.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner has alleged that she could not be served because of her incorrect addresses given by the complainant and therefore she was declared as proclaimed person. The reason behind her non-appearance as stated by the petitioner is because of service of summon/warrant at her wrong address. The petitioner is now ready to join the proceedings in the main case and no useful purpose will be served by sending her behind the bars, rather it would be appropriate if she is directed to face the trial. So keeping in view the abovesaid contentions, order dated 08.10.2021 is *set aside*. FIR No.453 dated 25.08.2023, under Section 174-A of IPC at Police Station City Bahadurgarh District Jhajjar is quashed and the petitioner is directed to appear before the trial Court subject to payment of

Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within one week from today.

In case, the petitioner appear and surrenders before the Court concerned within a period of 15 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would admit her to bail subject to its satisfaction in accordance with law. She will have protection from arrest for a period of 15 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, she will have no benefit of this order and the aforesaid FIR No.453 dated 25.08.2023, under Section 174-A of IPC at Police Station City Bahadurgarh District Jhajjar and order dated 08.10.2021 would stand automatically revived.

Disposed of in above terms.

27.12.2023
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No