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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-569-2024

Date of Decision: 22.05.2024

SUKHDEV SINGH @ SUKHDEB SINGH

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

The present second petition under Section 482 Cr.P.C has been preferred by the petitioner for quashing of the impugned order dated 21.07.2022 (Annexure P-1) passed by learned Sub Divisional Judicial Magistrate, Ratia, and all the consequential proceedings whereby the petitioner had been declared as proclaimed offender in case FIR No.53 dated 13.02.2022 registered under Sections 323, 324 and 506 of IPC at P.S. City Ratia, District Fatehabad, Haryana (Annexure P-2).

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 09.01.2024, petitioner appeared before the learned trial Court and furnished requisite bonds and surety bonds vide order dated 01.02.2024 passed by the learned Sub-Divisional Judicial Magistrate Ratia. He further submits that the FIR in question has been quashed by this Court vide order dated 21.02.2024 passed in CRM-M-1004-2024 and continuation of impugned order dated 21.07.2022 (Annexure P-1) is abuse



of process of law, as such, he prays for quashing of the the impugned order 21.07.2022 (Annexure P-1), passed by learned Sub-Divisional Judicial Magistrate Ratia, in case No.95 dated 06.08.2022 ‘State vs. Sukhdev Singh’ whereby the petitioner was declared proclaimed offender in case FIR No. 53 dated 13.02.2022 (Annexure P-2).

3. Learned State counsel has not disputed the aforesaid factual position and submits that in compliance of the order dated 09.01.2024 passed by this Court petitioner appeared before the trial Court and furnished requisite bail bonds on 01.02.2024.

4. Heard.

5. During the course of the proceedings, following order was passed on 09.01.2024:-

“By way of present petition, the petitioner has sought quashing of the impugned order dated 21.07.2022 (Annexure P-1) passed by learned Sub Divisional Judicial Magistrate, Ratia, and all the consequential proceedings whereby the petitioner had been declared as proclaimed offender in case FIR No.53 dated 13.02.2022 registered under Sections 323, 324 and 506 of IPC at P.S. City Ratia, District Fatehabad, Haryana (Annexure P-2).

2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner is resident of Canada and had been falsely implicated in case FIR No.53 dated 13.02.2022 (Annexure P-2). He further submitted that the petitioner never received any summon or notice to appear in that case and on the basis of report dated 13.06.2022 given by Executing Official (Annexure P-5), the learned trial Court has proceeded to declare the petitioner as proclaimed offender in the case. He submits that the impugned order has been passed without complying with the provisions laid down under Section 82 Cr.P.C. and moreover, in the light of the offences mentioned in the FIR, at the most, the petitioner could have been declared ‘proclaimed person’ in this case and not a ‘proclaimed offender’. He further refers to the reports of the Executing Official on the proclamation wherein it is specifically clarified that the petitioner is not residing at the given address and is residing abroad and no effort was made to intimate the petitioner*

about the proclamation.

- 3. *Notice of motion to official respondents.*
- 4. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.*
- 5. *Heard learned counsel for the parties.*
- 6. *After considering the respective submissions and the averments made in the petition, the petitioner is directed to appear in the trial Court within four weeks from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*
- 7. *List on 12.02.2024.”*

6. Keeping in view the fact that the petitioner has already appeared before the learned trial Court and furnished his requisite bail/surety bonds on 01.02.2024, consequent to the order dated 09.01.2024, passed by this Court, and also the fact that the FIR No. 53 dated 13.02.2022 (Annexure P-2) has already been quashed by this Court vide order dated 21.02.2024 passed in CRM-M-1004-2024 as such continuation of impugned order dated 21.07.2022 (Annexure P-1) is abuse of process of law.

7. Resultantly, the present petition is allowed, and the order dated 21.07.2022 (Annexure P-1), passed by learned Sub-Divisional Judicial Magistrate Ratia, whereby the petitioner has been declared as proclaimed offender is hereby set aside and the interim bail granted vide order dated 09.01.2024 is hereby confirmed.

8. The Petition stands allowed.

(SANJIV BERRY)
JUDGE

22.05.2024

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| Gyan | i) | Whether speaking/reasoned? | Yes |
| | ii) | Whether reportable? | Yes |