

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

274

CRM-M-1638-2024 (O&M)
Date of Decision:- 01.02.2024

RAHUL SHARMA

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amit Khari, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The present petition under Section 482 Cr.P.C. is preferred seeking quashing of the impugned order dated 11.12.2023 (Annexure P-1), passed by learned Sub Divisional Judicial Magistrate, Pehowa, whereby the petitioner was declared proclaimed person in case FIR No.187 dated 04.05.2022 registered under Sections 323, 506 and 34 IPC at Police Station Pehowa, District Kurukshetra.

2. It is submitted by learned counsel for the petitioner that in compliance of the order dated 12.01.2024, passed by this Court, the petitioner has appeared before the Court of learned Sub Divisional Judicial Magistrate, Pehowa and furnished his bail bonds. He has also placed on record a copy of the order dated 18.01.2024 passed by learned Sub Divisional Judicial Magistrate, Pehowa in this context, which is taken on record.

3. Learned State counsel has not disputed the fact that the

petitioner has joined the trial in pursuance to the order dated 12.01.2024.

4. It is the case put forth by the petitioner that the FIR in question was registered against the petitioner and other persons on account of matrimonial dispute, wherein the petitioner had earlier joined the investigation and was released by the police. However, no notice was received by the petitioner qua proclamation as he had shifted his residence and proclamation has been issued in violation of Section 82 of CrPC. Therefore, in such circumstances the absence of the petitioner before trial Court could not be attributed as intentional on his part.

5. As stated above, the petitioner has already appeared before the trial Court in pursuance of interim direction passed by this Court on 12.01.2024, as is evident from the order dated 18.01.2024 and considering the fact that the absence of the petitioner before the learned trial Court leading to passing of the impugned order dated 11.12.2023 (Annexure P-1) was not intentional but due to the reason aforementioned. Therefore, keeping in view the facts and circumstances, the interim bail granted vide order dated 12.01.2024 is hereby confirmed and the impugned order dated 11.12.2023 (Annexure P-1) is set aside and all the subsequent proceedings arising out of the same are quashed.

6. Petition stands allowed.

(SANJIV BERRY)
JUDGE

01.02.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No