

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-4246-2024

Date of Decision:-29.01.2024

Chander Pal @ Sonu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parveen Kaushik, Advocate for the Petitioner.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition under Section 482 Cr.PC is for setting aside the order dated 21.01.2023 (Annexure A-4) vide which the petitioner has been declared a proclaimed offender in FIR No.0238 dated 07.05.2015 under Sections 25 of the Arms Act registered at Police Station Sadar Bahadurgarh, District Jhajjar.

2. The brief facts of the case are that the aforementioned FIR came to be registered against the petitioner. The petitioner was granted the concession of regular bail and the prosecution evidence came to be recorded. However, on 03.08.2022, the petitioner did not present himself before the Court and his bail was cancelled and surety bonds were ordered to be forfeited to the State. The copy of the order dated 03.08.2022 is attached as Annexure P-2.

Pursuant thereto the proclamation under Section 82 Cr.PC was issued against the petitioner on 19.11.2022.

Subsequently on 21.02.2023 the petitioner was declared a proclaimed offender vide order Annexure P-4.

3. It is this order which is under challenge in the present petition.

4. The Counsel for the petitioner contends that the petitioner had shifted residence to Rohtak City because of which no summons or warrants were served upon him. No direction was made for a publication in the daily newspaper. In fact the petitioner was a patient of Substance Abuse Disorder and had been taking treatment from a doctor as is evident from Annexure P-5. As the petitioner was ready and willing to join the proceedings the impugned order was liable to be quashed.
5. I have heard learned Counsel for the petitioner.
6. The FIR in question pertains to 07.05.2015. The bail of the petitioner stood cancelled vide order dated 3.8.2022. Thereafter he was declared a proclaimed offender on 21.01.2023. There is absolutely no plausible explanation furnished by the petitioner as to why he chose not to appear to face the Trial when the case was otherwise posted for defence evidence. Merely, because the petitioner was suffering from mental illness does not give him the liberty to abscond from the Trial.
7. In view of the above, I find no merit in the present petition and the same stands dismissed.
8. A copy of this order be sent to the Superintendent of Police, Jhajjar for necessary compliance.

(JASJIT SINGH BEDI)
JUDGE

January 29, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No