

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-8721-2024
Date of Decision: 19.2.2024

Atul Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Atul Kumar petitioner in person

KARAMJIT SINGH, J.

Today, lawyers are abstaining from work.

Present petition has been filed by the petitioner seeking quashing of order dated 16.10.2023 (Annexure P-2) passed by the Court of Judicial Magistrate, 1st Class, Panipat whereby the petitioner was declared as proclaimed person in criminal case **State of Haryana v. Atul Kumar** having FIR No.109 dated 11.7.2019 registered under Sections 279, 337 IPC at Police Station Sector 13/17, Panipat and all the subsequent proceedings arising thereof including order dated 25.1.2024 (Annexure P-3).

2. The petitioner, who has appeared in person, submits that the absence of the petitioner was not intentional and he was wrongly declared as proclaimed person without following proper procedure. So, prayer is made that the impugned order be set aside.

3. I have considered the submissions made by the petitioner.

4. From the perusal of the record, it appears that in the instant case, the petitioner was not given mandatory period of 30 days to appear

before the Court concerned with effect from the date, on which, proclamation was published against him and on this sole ground, the impugned order Annexure P-2 deserves to be set aside in light of law laid down by this Court in **Ashok Kumar v. State of Haryana and another**, 2013(4) RCR (Criminal) 550. Further, in the present case, all the offences are bailable offence.

5. In light of above, without expressing any opinion on the merits of the case and in order to avoid any further delay in trial, impugned order dated 16.10.2023 (Annexure P-2) along with all the subsequent proceedings arising thereof including order dated 25.1.2024 (Annexure P-3) is hereby set aside. The petitioner is directed to appear before the trial Court concerned within next 10 days and to move the application for grant of regular bail which is to be decided by the said Court, in accordance with law, on the same very day.

(**KARAMJIT SINGH**)
JUDGE

February 19, 2024
Paritosh Kumar

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