



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

CRM-M No.10518 of 2024
Date of decision: 3rd October, 2024

Hari Mohan Sharma & another

... Petitioners

Versus

Union Territory Chandigarh & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek K. Thakur, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in the instant petition filed under Section 482 Cr.P.C. are praying for quashing of the order dated 11.03.2016 (Annexure P-2) passed by the learned trial Court vide which they were declared proclaimed persons in case FIR No.320 dated 08.12.2011 under Sections 418, 420, 120-B of the IPC and Section 24 of the Immigration Act registered at Police Station Sector 36, UT Chandigarh, owing to their non-appearance in the Court.

2. Learned counsel for the petitioners submits that the petitioners have been residing in USA since 15.08.2011, i.e. prior to the registration of the FIR in question, and subsequently, the impugned order has been passed. He submits that the matter already stands compromised between the parties. Learned counsel further submits that the petitioners are due to arrive in India on 15.10.2024 and that they are

ready to appear and join proceedings before the learned trial Court. Hence, in the aforementioned facts and circumstances, the petitioners be protected till their appearance before the Court concerned and the Court be directed that their application, which they would be filing on their surrender, be decided expeditiously.

3. Notice of motion.

4. Mr. Manish Bansal, Public Prosecutor UT Chandigarh who is present in Court, accepts notice on behalf of the UT.

5. Mr. Angad Parmar, Advocate puts in appearance and accepts notice on behalf of respondent No.2. He has not disputed the submissions made by the counsel opposite with respect to the compromise arrived at between the parties.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In view of the aforementioned facts and circumstances, since the matter already stands settled between the parties, the petition is disposed of with direction to the petitioners to appear and surrender before the learned trial Court within seven days from their arrival in India i.e. 15.10.2024. Till then, no coercive steps shall be taken against the petitioners, subject to payment of costs in the sum of ₹ 10,000/- which shall be deposited with the District Legal Services Authority, UT Chandigarh.

8. However, it is made clear that in case the petitioners fail to surrender before the Court concerned within the above stipulated time

period, this order shall be of no avail to them, thereafter. In case, on appearance and surrender, the petitioners move an application for bail, the learned trial Court shall make earnest efforts to decide the same expeditiously in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

October 3, 2024
rps

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