

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24356-2024
DECIDED ON: 15.05.2024

SURESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tarun Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of order dated 05.09.2014 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Ambala vide which the present petitioner has been wrongly declared as proclaimed offender in cross-version (Annexure P-2) recorded under Sections 148, 149, 323, 325, 506 IPC in case FIR No.106, dated 19.06.2013, registered at Police Station Saha, District Ambala without following the procedure as laid down under Section 82 Cr.P.C.

Learned counsel for the petitioner submits that the petitioner has already been granted the concession of bail and had joined the investigation, however, during the pendency of the case, he left India and went to Malaysia for securing his future as he got job there and since then the petitioner is residing there. It is further asserted on behalf of the petitioner that since the petitioner was not available in India and this very fact has already been brought to the kind notice of the trial Court by the

father and uncle of the petitioner who were also facing the trial of the present case, however, despite issuing any summon to the petitioner on the address of Malaysia, the petitioner has been declared proclaimed offender vide order dated 05.09.2014 (Annexure P-3). He further submits that co-accused of the present petitioner stands acquitted vide judgment dated 28.04.2015 (Annexure P-4) as the complainant and other witnesses of the present case has already effected compromise with the petitioner. He further submits that the petitioner wanted to come back to India only with an intention to face the trial but since the petitioner has been declared proclaimed offender, he has apprehension of his arrest in the present case.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of four weeks from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner’s act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.10,000/- with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

The instant petition is disposed of in the aforesaid terms.

15.05.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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