



CRM-M-39205-2024

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

CRM-M-39205-2024 (O&M)
Date of Decision: 03.09.2024

Amrender Singh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajender Kumar, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

CRM-35154-2024

Allowed as prayed for. Photocopies of Air Ticket dated 26.07.2024 and arrival stamp on passport of the petitioner is taken on record.

Main case

1. Prayer in the present petition is for quashing of the order dated 04.09.2014, whereby, the petitioner has been declared as a proclaimed offender in FIR No.46 dated 28.07.2012, under Sections 377, 506 IPC and Section 3(i) (x) of SC/ST Act, 1989, registered at Police Station Jhansa, District Kurukshetra as well as subsequent proceedings arising therefrom.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR, wherein, he was granted bail and thereafter, went abroad for setting up his career with an apprehension that he will return India and face the trial, but he could not return back because of which he remained absent from the trial and as a result thereof he was declared proclaimed offender vide order dated



04.09.2014. He has drawn the attention of this Court to Annexure P-9 i.e. copies of the air ticket and arrival stamp on passport of the petitioner and has stated that the petitioner has returned back and keen to join the proceedings and face the trial in the present case.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court without any reason and thus, the present petition is liable to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that petitioner was declared as proclaimed person on 04.09.2014 due to his non-appearance before the trial Court. However, now the petitioner has returned to India and is ready to join the proceedings and abide by all the conditions imposed by the Court. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 04.09.2014 is set aside subject to payment of Rs.50,000/- as cost to be paid by the petitioner to the victim within a period of seven days from today by depositing the same before the trial Court.

7. The petitioner is directed to appear before the trial Court within a period of seven days from today and file an appropriate application alongwith costs of Rs.50,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of

seven days from today. The costs of Rs.50,000/- shall be paid to the complainant forthwith on his appearance before the trial Court. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 04.09.2014 will come in force and the present petition shall be deemed to have been dismissed.
9. Petition stands disposed of in abovesaid terms.

03.09.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No