



CRM-M-43283-2024

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

CRM-M-43283-2024

Date of Decision: 03.09.2024

Om Parkash

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhimanyu Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 29.09.2009 passed by learned Judicial Magistrate Ist Class, Rewari, in Criminal Complaint No.217 RT of 2003 which was instituted on 17.02.2003/10.08.2006, vide which the petitioner was declared as proclaimed offender as well as order dated 18.08.2009, whereby proclamation proceedings were being initiated under Sections 82-83 Cr.P.C. against the petitioner.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the present complaint pertains to the year 2003 and after recording preliminary evidence of the complainant, the petitioner was summoned vide order dated 12.08.2006, however, the petitioner was never served and he was unaware about the pendency of the proceedings initiated against him and was declared proclaimed person in violation of Section 82 Cr.P.C. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings



and abide by all the terms and condition, if any imposed by the Court, while allowing him to join the proceedings.

3. Notice of motion to the official respondent only.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State and has submitted that the petitioner was rightly declared as proclaimed person by the trial Court as he had failed to appear before the Court without any reasonable cause 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 29.09.2009 due to his non-appearance before the trial Court. However, now the petitioner is keen 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 to face the trial, the order dated 29.09.2009 is set aside subject to payment of Rs.20,000/- as costs to be paid to complainant by the petitioner 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.20,000/- 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.20,000/- shall be paid to the complainant forthwith on his appearance before the trial Court.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 29.09.2009 will come in force.
9. Petition stands disposed of in abovesaid terms.

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