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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48796-2024
Date of Decision: October 03, 2024

Mohan Singh Sodhi
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms.Nisha Rana, Advocate and
Mr.Shivam Kamboj, Advocate
for the petitioner.
.....

RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the present petition is for quashing of proclamation order, dated 02.06.2009, vide which the petitioner has been declared as proclaimed offender, alongwith subsequent proceedings passed by the learned SDJM, Pehowa, in FIR No.489, dated 19.12.2006, under Sections 406, 120-B and 420 IPC, registered at Police Station Pehowa, District Kurukshetra.
2. Learned counsel for the petitioner has submitted that petitioner had no knowledge about the above-mentioned FIR, which was registered in the year 2006 as he was migrated from Kishanpura, P.S.Kath Gang, District Nawan Shahar long back, i.e. in the year 1987. It is further submitted that non-bailable warrants issued against the petitioner/accused were not received back whereas non-bailable warrants of same petitioner/accused in another case received back unexecuted with the report that he already sold



his property. It is submitted that since the year 1987-88, the petitioner never visited his village and hence his proclamation under Sections 82-83 Cr.P.C. is not justified and hence order, dated 02.06.2009 declaring him as proclaimed offender is liable to be set aside. It is further submitted that petitioner is now ready to join the proceedings before the trial Court and face trial.

3. Notice of motion to respondent.

4. On asking of the Court, Mr.Sumit Jain, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State and has stated that the learned Court has rightly declared the proclaimed offender as he had failed to appear before it without any reasonable cause.

5. Heard.

6. After hearing learned counsel for the parties, it is apparent that the petitioner, as alleged by learned counsel, was not aware of registration of the above-mentioned FIR, as he had allegedly sold his property in the year 1987 and shifted to some other place. However, as petitioner is now ready to face the trial, this Court deems it appropriate not to go into the fact of awareness of the petitioner regarding pendency of the present case and grant him one opportunity to surrender before the trial Court and face the trial. Hence, the present petition is disposed of. Order dated 02.06.2009 is set aside subject to payment of Rs.25,000/- as costs to be deposited with Old Age Home, Chandigarh, within a period of seven days' from today. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an application for bail alongwith receipt of



abovesaid costs and if he does so, the Court concerned would admit him to bail during pendency of the trial on his furnishing bail/surety bonds subject to its satisfaction and proceed with the trial as per law. He will have protection from arrest for a period of ten days from today. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 02.06.2009 would come in force and the present petition would be deemed to have been dismissed.

October 03, 2024

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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |