



HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-50625-2024(O&M)

Date of decision: 08.11.2024

Mohd Sahil

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

NIDHI GUPTA, J. (Oral)

Prayer in the present petition under Section 528 BNSS is for quashing of impugned order dated 09.05.2023 (Annexure P-6) passed by learned trial Court whereby the petitioner was declared proclaimed person in case FIR No. 152 dated 16.11.2022 under Sections 363, 366A, 350, 376, 506, 120B IPC, 1860 and Section 4 of the POCSO Act at Women Police Station Palwal, District Palwal (Haryana).

On the last date of hearing i.e. 15.10.2024, following order was passed by this Court:-

“Prayer in the present petition under Section 528 BNSS is for quashing of impugned order dated 09.05.2023 (Annexure P-6) passed by learned trial Court whereby the petitioner was declared proclaimed person in case FIR No. 152 dated 16.11.2022 under Sections 363, 366A, 350, 376, 506, 120B IPC, 1860 and Section 4 of the POCSO Act at Women Police Station Palwal, District Palwal (Haryana).

Learned counsel for the petitioner inter alia submits that the impugned order dated 09.05.2023 (Annexure P-6) whereby the



*petitioner has been declared proclaimed person is, on the face of it unsustainable as admittedly, proclamation was issued vide order dated 24.03.2023 (at page 32 of the paper-book); and the matter was adjourned to 10.04.2023 for service through publication under Section 82 Cr.P.C. Thereafter, on 10.04.2023, the matter was adjourned to 09.05.2023 without issuing fresh proclamation. Learned counsel submits that as per the judgment passed by Coordinate Bench of this Court in **CRM-M- 12006-2023 titled as Tirlok Chand vs. State of Haryana and another, Law Finder Doc Id # 2288221**, mandatory period of 30 days has not expired and, therefore, it is incumbent upon the learned trial Court to issue fresh proclamation.*

It is further submitted that the petitioner was unaware of registration of the present FIR. It is accordingly prayed that the impugned order dated 09.05.2023 (Annexure P-6) be set aside and the petitioner be permitted to surrender before the learned trial Court as and when directed to do so.

Notice of motion.

Mr. Surinder Kumar Dagar, DAG, Haryana accepts notice on behalf of the respondent-State and is unable to dispute the above said fact.

In view of the submissions made by learned counsel for the petitioner, the proclamation order dated 09.05.2023 (Annexure P-6) is set aside. The petitioner is directed to surrender before the learned trial Court within a period of 15 days from today i.e. on or before 30.10.2024 and he will move an appropriate application seeking bail before the learned trial Court. The learned trial Court will entertain the bail application of the petitioner on the same date and he will be released on bail subject to his furnishing necessary bail/surety bonds to the satisfaction of learned trial Court subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with in a period of one week from today with the Punjab and Haryana High Court Lawyers' Welfare Association Fund,



Chandigarh.

Adjourned to 08.11.2024.

Report from the learned trial Court be also called for the date fixed.”

In compliance of the order dated 15.10.2024 reproduced above, learned Additional Sessions Judge, Special Court (Fast Track), POCSO, Palwal has submitted his report dated 22.10.2024 duly forwarded by the learned District and Sessions Judge, Palwal on 24.10.2024, the relevant part of which reads as under:-

“The accused Mohd. Sahil surrendered before this Court on 19.10.2024 and moved Bail application along with deposit receipt of Rs.10,000, vide receipt number 4387, dated 16.10.2024 vide which he has deposited cost with the Punjab and Haryana High Court Lawyers’ Welfare Association Fund, Chandigarh. The Bail application was decided on the same day and the above-said accused has been granted bail, subject to his furnishing bail bonds and surety bonds to the tune of Rs.1,00,000. The requisite bonds were furnished by the accused.”

In view of the above, present petition is disposed of and order dated 09.05.2023 (Annexure P-6) declaring the petitioner as proclaimed offender is set aside.

Pending application, if any, stands disposed of.

08.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No