

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

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CRM-M-51838-2024

Date of Decision : December 02, 2024

TILAK RAJ

-PETITIONER

V/S

STATE OF HARYANA AND ANR

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. The relief claimed in the instant petition cast under Section 528 of the B.N.S.S., appertains to quashing of the order dated 19.01.2024 (Annexure P-6), whereby, the learned Additional Sessions Judge concerned has declared the petitioner a “Proclaimed Offender”.
2. Although the learned counsel for the petitioner made a vociferous attempt to assail the validity of the impugned order (Annexure P-6), however, he failed in his endeavour. In the above scenario, the learned counsel for the petitioner makes a request that the petitioner does not have any intention to escape from the clutches of law and he is ready and willing to join the trial proceedings, in case he is granted adequate protection.
3. Although this Court does not find any illegality or perversity in the impugned order (Annexure P-6), however, considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind declaring any person a “Proclaimed Person/Offender”, which is in fact to secure the presence of an accused for

facing trial, can be achieved through the petitioner becoming directed to cause appearance before the learned trial Court, therefore, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court/Magistrate concerned within 10 days from today. In case, the petitioner appears within the above stipulated period and makes an application for grant of bail, the learned Judge concerned shall make an endeavour to decide the said bail application on the same day itself. The operation of the impugned order (Annexure P-6) shall remain stayed for the next 10 days. This relief is subject to the petitioner depositing a sum of ₹10,000/- with the District Legal Services Authority concerned.

4. However, in case, the petitioner fails to appear before the learned trial Court/Magistrate concerned within the above stipulated period, the relief granted hereinabove shall stand *ipso facto* vacated, without any further reference to this Court.

5. It is clarified that the moment the petitioner appears before the learned trial Court/Magistrate concerned, this order would cease to operate.

6. It is also clarified that this order does not cause any impediment for the learned trial Court concerned to initiate proceedings under Section 446 of the Cr.P.C./491 of the B.N.S.S.

7. Disposed of accordingly.

December 02, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No