

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

137

CRM-M-53361-2024

Date of Decision : October 24, 2024

HARINDER KUMAR ALIAS HARINDER YADAV

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. The reliefs claimed in the instant petition cast under Section 482 of the Cr.P.C., appertain to quashing of:- (i) FIR No.01 dated 30.03.2016 (Annexure P-1), registered under Section 25 of the Arms Act, 1959, at P.S. G.R.P. Abohar, District Government Railway Police, Punjab, along with all the subsequent proceedings arising therefrom; and (ii) Order dated 10.07.2018 (Annexure P-2), whereby, the learned Magistrate concerned has declared the petitioner a "Proclaimed Person". However, at this stage, the learned counsel for the petitioner opts to proceed with the second relief only and accordingly he confines his arguments to that extent.

2. Although the learned counsel for the petitioner has challenged the impugned proclamation order (Annexure P-2), however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioner does not have any intention to escape from the clutches of law, rather 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 proclamation order (Annexure P-2), 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” is to secure his presence for facing trial, therefore, taking a lenient view, this Court, at this stage, deems it appropriate to grant an opportunity to the petitioner to appear before the learned trial Court/Magistrate concerned.

4. Consequently, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court/Magistrate concerned upto 04.11.2024. The arrest of the petitioner shall remain stayed only upto 04.11.2024. Moreover, in case the petitioner surrenders 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 application within 02 days.

5. It is clarified that if the petitioner does not, in compliance of the intimation made to this Court by his counsel, surrender before the learned trial Court/Magistrate concerned upto the stipulated period, the protection regarding his arrest, as granted hereinabove, shall stand *ipso facto* vacated, without any further reference to this Court.

6. It is also clarified that the moment the petitioner appears before the learned trial Court/Magistrate concerned, this order granting interim protection would cease to operate.

7. Disposed of accordingly.

October 24, 2024
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(KULDEEP TIWARI)
JUDGE

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