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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-61447-2023

Date of Decision: 23.07.2024

MOHAR SINGH AND ORS

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sapan Dhir, Advocate for the petitioners.

(Through V.C.)

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioners seeking quashing of the order dated 08.03.2021 (Annexure P-1) passed by learned Additional Chief Judicial Magistrate Fatehabad in case titled as '*State vs. Ram Singh and others*', whereby the petitioners were declared as proclaimed offenders.

2. Learned counsel for the petitioners *inter alia* contends that in compliance of the order dated 08.12.2023, petitioners appeared before the learned trial Court on 13.12.2023 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 13.12.2023 passed by learned Additional Sessions Judge, Fatehabad. He contends that since the petitioners have joined the trial Court proceedings, as such the order dated 08.03.2021 (Annexure P-1) passed by learned Additional Chief Judicial Magistrate Fatehabad whereby the



petitioners were declared as proclaimed offenders, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioners appeared on 13.12.2023 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 08.12.2023:-

“ By way of present petition filed under Section 482 CrPC, the petitioners have sought quashing of the impugned order dated 08.03.2021 (Annexure P-1) passed by learned Additional Chief Judicial Magistrate, Fatehabad in case titled as ‘State Vs. Ram Singh and others’, whereby the petitioners have been declared proclaimed offenders and all consequent proceedings arising therefrom.

2. It is, inter alia, contended by learned counsel for the petitioners that the petitioners were arrayed as accused in the aforesaid case, however, they never received any summons, warrants or proclamation for their appearance in the Court, leading them to be declared as proclaimed offenders in the case vide impugned order dated 08.03.2021 (Annexure P-1). He submits that the absence of the petitioners from the trial was not intentional and was merely due to the fact that they never received any intimation to appear before the Court. He submits that petitioners are ready to appear in the trial Court to face the trial and has also referred to the order dated 26.05.2023 passed in CRM-M-3428-2022 and order dated 11.10.2023 passed in CRM-M-46382-2023, wherein the other co-accused had also challenged the same impugned order. He submits that petitioners are also ready to pay the appropriate costs.

3. Notice of motion.

4. On the asking of the Court, Ms. Gaganpreet Kaur, DAG Haryana accepts notice on behalf of respondent-State and has not disputed the fact that the matter in issue is similar to that as has been referred to by the learned counsel for the petitioners in other two petitions.

5. Adjourned to 23.01.2024.

6. In the meanwhile, petitioners are directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today and in that event, the petitioners are ordered to be



released on interim bail on their furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

7. *However, this order will be subject to the petitioners depositing costs of Rs. 50,000/- with the 'Poor Patients Welfare Fund, PGIMER, Chandigarh'; Rs.25,000/- in 'Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund', Account No. 41564846387, Bank Name-SBI High Court Branch; and Rs.25,000/- in the 'Society for the Care of the Blind'. Details of which are mentioned below:-*

<i>Name of the Account Holder</i>	<i>Society for Care of Blind, Sector 26, Chandigarh</i>
<i>Bank Account Number</i>	<i>10506615304</i>
<i>IFSC Code</i>	<i>SBIN0003246</i>
<i>MICR Code</i>	<i>160002014</i>
<i>Bank Name</i>	<i>State Bank of India, Sector 7, Chandigarh</i>
	<i>(blind-institute-chd@yahoo.com)</i>
<i>PAN Number</i>	<i>AABTS8917R</i>

6. Keeping in view the fact that the petitioners have already appeared on 13.12.2023 before the learned trial Court and furnished their requisite bail/surety bonds consequent to the order dated 08.12.2023, passed by this Court, the present petition is allowed and order dated 08.03.2021 (Annexure P-1), passed by learned Additional Chief Judicial Magistrate, Fatehabad, whereby the petitioners were declared as proclaimed offenders is hereby set aside and the interim bail granted vide order dated 08.12.2023 is hereby confirmed.

7. The Petition stands disposed of.

(SANJIV BERRY)
JUDGE

23.07.2024

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |