



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

CRM-M-57652-2024

Date of Decision : 20.11.2024

SHUBHAM JOHAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sachin Kaushik, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition preferred under Section 528 of the BNSS, 2023, challenge is thrown to the order dated 21.10.2024 (Annexure P-1), passed by the learned ACJ(SD)/SDJM, Meham, whereby, the petitioner has been declared as a proclaimed person in case FIR No.452, dated 05.11.2024, under Section 209 of the BNS, 2023, registered at Police Station Meham, District Rohtak (Annexure P-2). He further prays for staying the operation of impugned order.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner in pursuance to the notice/bailable warrants/non-bailable warrants/proclamation, the petitioner failed to appear before the learned trial court concerned, as the services of the same were effected at the address where he was not residing. Thereupon, owing to the proclamation order issued against the present petitioner, he has been declared as a proclaimed person vide impugned order (*supra*).

3. He further submits that in fact, throughout the proceedings before the learned trial Court concerned, the petitioner was never served with the notice/bailable warrants/non-bailable warrants/proclamation, at his address, and he was not aware about the pendency of the proceedings in the complaint (*supra*). Therefore, in gross violation of provisions of Section 84 of the BNS, 2023, the impugned order has been passed.

4. He also submits that the petitioner has no intention at all to avoid the proceedings, which are pending before the learned trial Court concerned, rather, he is ready and willing to face the trial, and is ready to surrender before that court, in case an adequate protection is granted to him.

5. On the other hand, learned State counsel opposed the grant of relief (*supra*), to the present petitioner.

6. This Court has considered the rival submissions made the learned counsel for both the parties concerned, and has gone through the entire case file.

7. This Court finds the prayer as, made by learned counsel for the petitioner, innocuous and *bona fide*, therefore, without going into the legality or illegality of the impugned order (*supra*), this Court directs the petitioner to surrender before the learned trial Court concerned within 15 days from today.

8. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time, and moves a regular bail application, the latter shall make all its endeavours to decide the same on

the same day, on its own merits, in accordance with law, after giving adequate opportunity of hearing to the parties concerned.

9. In the meanwhile, the arrest of the petitioner shall remain stayed.

10. However, in case, the petitioner fails to surrender before the learned trial Court concerned within the stipulated time, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without further reference to this Court.

11. **Disposed of accordingly.**

November 20, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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