



156 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64910-2024

Date of decision : 20.12.2024

Sonu

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Akash Sheoran, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 03.10.2019 passed by learned Judicial Magistrate Ist Class, Gurugram, whereby the petitioner was declared proclaimed person during trial in FIR No.308 dated 21.05.2015 registered under Section 323 and 506 IPC at Police Station DLF Qutab Enclave, Gurugram, Haryana.

2. It has been contended by counsel for the petitioner that the petitioner was falsely and frivolously prosecuted in the FIR, got registered by his wife. He submits that both of them have now resolved their *inter se* dispute and divorce has been granted by the Court. He submits that on 03.10.2019, petitioner was unable to appear due to some misinformation by the counsel as he presumed himself to be acquitted and also due to COVID-19 outbreak, he remained absent from the Court and his bail order was cancelled. He submits that the petitioner was declared as proclaimed person vide order dated 03.10.2019 in violation of the statutory provisions of law. He submits that even otherwise both the sides have amicably resolved their issues and thus, petitioner was regularly appearing before the trial Court. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, imposed by the Court.

3. Notice of motion.



4. On asking of the Court, Mr. Tanuj Sharma, A.A.G., Haryana. accepts notice on behalf of the respondent-State.
5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 03.10.2019 without any valid reason.
6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 03.10.2019. The reason given for his absence is that due to some misinformation by the counsel he presumed himself to be acquitted and also due to COVID-19 outbreak, he remained absent from the Court. However, both the sides have amicably resolved their issues and the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 03.10.2019 is *set aside*. In case, the petitioner appears and surrenders before the Court upto 10.01.2025 and files an application for bail, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest upto 10.01.2025 from today.
7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 03.10.2019 would automatically come in force.
8. Petition stands disposed of.

20.12.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No