



CRM-M-11057-2025

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

CRM-M-11057-2025

Date of Decision: 27.02.2025

Naveen @ Naveen Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dharamvir Sharma, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 02.01.2016 (Annexure P-4) passed by learned JMIC, Gurugram, in a criminal trial bearing CIS No.CHI/17183 of 2013 titled as State of Haryana vs. Naveen, in FIR No.288, dated 01.07.2009 registered under Section 61 of the Punjab Excise Act, 1914, Police Station Civil Lines, Gurugram, District Gurugram, vide which the petitioner was declared as proclaimed person.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was granted regular bail by learned trial Court and thereafter, he was regularly appearing before it. He submits that due to unavoidable circumstances, the petitioner could not appear before the Court, and his bail was cancelled and his bail/surety bonds were forfeited to the State and he was ordered to be summoned through arrest warrants vide order dated 05.05.2015. He submits that thereafter, ultimately, the petitioner was declared as proclaimed person vide order dated 02.01.2016 totally in violation of the mandatory provisions of Section 82 Cr.P.C. He submits that now petitioner is keen to join the proceedings and face the trial in the above



said case and as such the order 02.01.2016 be set aside and he be allowed to be released during the pendency of the trial of the above said case.

3. Notice of motion.

4. Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of the State and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court for a long time.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 02.01.2016. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct the petitioner to appear before the Court concerned to face the trial in the present case as now he is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 02.01.2016 is set aside subject to payment of Rs.25,000/- as costs to be paid to Society for the Care of Blind, Sector-26, Chandigarh by the petitioner within a period of seven days from today.

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.25,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any

condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 02.01.2016 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

27.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No