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

**CRM-M-26175-2025
Date of decision : 15.05.2025**

Sandeep Sharma @ Amandeep**.....Petitioner****Versus****State of Haryana and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Chander Kumar Jha, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of criminal Complaint No.116 dated 20.04.2011 instituted on 22.04.2011, titled as 'Gian Chand Vs. Shakuntla and others' under Sections 109/420 read with Section 120-B and 120-B IPC independently and Section 506 read with Section 34 IPC, filed in the Court of Ld. JMIC, Panchkula, summoning order dated 07.07.2012 passed by JMIC Panchkula and order dated 16.10.2015 passed by Ld. SDJM, Kalka, in complaint No.COMI/183/2014 (as the case was transferred at Sub Division Kalka, so fresh complaint No.COMI/183/2014 was assigned instead of Criminal Complaint No.116 dated 20.04.2011), vide which the petitioner has been declared proclaimed person in violation of Section 82 of Cr.P.C. Further prayer has been made for staying the operation of impugned order dated 16.10.2015.



2. It has been fairly contended by counsel for the petitioner that the petitioner was prosecuted in the complaint under Sections 109/420 read with Section 120-B IPC. He submits that as the petitioner was residing in Uttarakhand, he was never informed about the pendency of the said complaint and hence, he could not join the proceedings. He submits that rest of the 04 co-accused, have already been acquitted by the learned trial Court but the petitioner was declared a proclaimed person vide impugned order dated 16.10.2015. He submits that though the present petition has been filed assailing the complaint and summoning order dated 07.07.2012 and the order declaring him proclaimed person, he however, does not press the present petition qua the quashing of the complaint and summoning order dated 07.07.2012 and restrict his prayer only to setting aside the impugned order dated 16.10.2015, wherein, he was declared a proclaimed person. He has submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of 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 declared the petitioner a proclaimed person vide its order dated 16.10.2015.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 16.10.2015. Now, the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order



dated 16.10.2015 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the '**Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, Chandigarh**' by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, 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 for a period of 10 days 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 16.10.2015 would come in force and the present petition shall be deemed to have been dismissed.

15.05.2025

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(**RAJESH BHARDWAJ**)
JUDGE

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