

348

CRM-M-30058-2024

-1-

30058-2024

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30058-2024
Date of decision: 05.02.2025

RAKESH KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 13.05.2022 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Karnal Fatehabad in case No.CHI-866-2021 in FIR No.938 dated 29.12.2019 registered under Sections 201, 323, 324, 506 and 34 IPC at P.S. Gharaunda, District Karnal, whereby the petitioner were declared as proclaimed offender.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 20.01.2025, petitioner appeared before the learned trial Court on 24.01.2025 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 24.01.2025 marked at 'A'.

He contends that since the petitioner has joined the trial Court proceedings,



as such the order dated 13.05.2022 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Karnal whereby the petitioner was declared as proclaimed offender, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 24.01.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 20.01.2025:-

“ The instant petition under Section 482 Cr.P.C. has been filed for quashing of the order dated 13.05.2022 passed by the learned Judicial Magistrate Ist Class, Karnal (Annexure P-2) vide which the petitioner was declared as proclaimed offender in case No.CHI-866-2021 in FIR No.938 dated 29.12.2019 registered under Sections 201, 323, 324, 506 and 34 of IPC at P.S. Gharaunda, District Karnal.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after being granted bail in FIR (Annexure P-1), had been regularly appearing the trial Court but in the meanwhile, on the withdrawal of the surety without any notice to the petitioner and consequently being arrested in another case, his bail was cancelled by learned trial Court and ordered to be served through non-bailable warrants of arrest. He contends that subsequently the proclamation under Section 82 Cr.P.C. was issued vide order dated 09.12.2021 for 04.03.2022 against the petitioner, however, on 04.03.2022, fresh proclamation was issued for 08.04.2022 on which date the statement of the executing official was recorded and the case was adjourned to 13.05.2022 on which date, he was declared as proclaimed person in this case. He contends that the absence of the petitioner was not intentional and he never received any notice or proclamation and even there was no proclamation issued for the presence of the petitioner for 13.05.2022 when vide the impugned order dated 13.05.2022 (Annexure P-2), he has been declared as proclaimed person in utter violation of the provisions contained under Section 82 Cr.P.C. He further



contends that the petitioner is ready to appear before the trial Court and to face the trial.

- 3. *Notice of motion.*
- 4. *On the asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix.*
- 5. *List on 05.02.2025.*
- 6. *In the meanwhile, the petitioner is hereby directed to to appear before the learned Trial Court/Judge on duty within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.*
- 7. *The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.”*

6. Keeping in view the fact that the petitioner has already appeared on 24.01.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 20.01.2025, passed by this Court, the present petition is allowed and order dated 13.05.2022 (Annexure P-2), passed by learned Judicial Magistrate 1st Class, Karnal, whereby the petitioner was declared as proclaimed offender is hereby set aside and the interim bail granted vide order dated 20.01.2025 is hereby confirmed.
7. The petition stands disposed of.

05.02.2025
puneet

(SANJIV BERRY)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |