



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

Sr. No.219

CRM-M-51097-2019(O&M)
Date of decision : 23.05.2025

KOMAL KUMAR

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Vinod Kumar, Advocate for respondents No.2 & 3.

KIRTI SINGH, J. (Oral)

1. By way of the present petition filed under Section 482 Cr.P.C. prayer is for quashing of order dated 07.11.2016 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Faridabad vide which the petitioner was declared as proclaimed absconder and all the consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that respondent No.2 got registered the FIR No.197 dated 19.05.2016 under Sections 366, 366-A IPC registered at Police Station Sector-31, Faridabad, District Faridabad to falsely implicate the petitioner. However, now, the matter stands settled amicably between the parties, for which, a compromise dated 06.11.2019 (Annexure P-3) has also been executed between the parties. Insofar as the proclamation order of the petitioner is concerned, it is submitted that the petitioner was declared as proclaimed offender vide order dated 07.11.2016 passed by the learned Judicial Magistrate Ist Class, Faridabad, due to his non-appearance, in violation of the mandatory provisions of Section 82



Cr.P.C. Learned counsel submits that the petitioner is ready to surrender before the learned trial Court, however he be protected till his appearance and directions be given to trial Court that the bail application, which he would be filing on his surrender, be decided expeditiously.

3. Per Contra, learned State counsel has opposed the petition and has submitted that the petitioner, despite the proclamation, has failed to appear before the trial Court and has been rightly declared as proclaimed offender vide the impugned order and in addition, the petitioner is evading the process of Court which is highly deprecated on his part and in view of the same, he does not deserve that the order declaring him as absconder be quashed.

4. Mr. Vinod Kumar, Advocate, puts in appearance on behalf of respondents No.2 & 3 and filed his *vakalatnama*. The same is taken on record. He has admitted the factum of compromise effected between the parties.

5. Heard the submissions made by learned counsel for the parties.

6. In view of the limited prayer made by the learned counsel for the petitioner, the present petition stands allowed and the impugned order dated 07.11.2016 passed by the JMIC, Faridabad is set aside/quashed **subject to payment of Rs.20,000/- to be deposited by the petitioner(s) in Poor Patient Welfare Fund, PGIMER, Chandigarh.** However, the petitioner is directed to surrender before the Court concerned within a period of two weeks and move an appropriate application along with receipt of cost and the trial Court concerned would release the petitioner on the bail bonds and surety bonds to its satisfaction. In case he fails to appear before the trial Court on the said date, this order would be of no avail to the petitioner.



Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

23.05.2025
Kavita

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No