



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

CRM-M-55769-2024
Date of decision: 17.01.2025

Pushpendra Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mayank Bajaj, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition under Section 482 is filed by the petitioner seeking quashing of order dated 03.01.2020 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, Hisar in criminal case having FIR No.822 dated 10.11.2017, under Sections 406, 420, 120-B IPC, registered at Police Station Hisar Civil Lines, District Hisar, whereby the petitioner was declared as proclaimed offender.

2. From the perusal of the final report Annexure P-3 submitted by the police under Section 173 Cr.P.C, it appears that present petitioner was associated in the investigation on 31.12.2019 but police failed to collect any evidence against the petitioner. It is also evident that the petitioner was not challaned by the police being found innocent. In the given circumstances, as petitioner joined investigation with the police on 31.12.2019, the impugned order passed just within next three days of the joining of investigation by the petitioner, is not legally sustainable. It is not clear as to how within three



days of 31.12.2019, the petitioner was found to be absconding.

3. In light of the above, the impugned order Annexure P-4 being not passed in consonance with the provisions of Section 82 Cr.P.C and further, the petitioner who was later on summoned as an additional accused, is already granted anticipatory bail as he has joined the proceedings before the trial Court, the impugned order Annexure P-4 dated 03.01.2020 deserves to be set aside.

4. Consequently, the present petition is allowed and order dated 03.01.2020 Annexure P-4 passed by the Court of Judicial Magistrate Ist Class, Hisar is hereby set aside.

17.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**