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CRM-M-62020-2024

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202501PHHC016118



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62020-2024
Date of decision: 04.02.2025

RAVI KUMAR @ MINTU

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023 has been moved by the petitioner seeking quashing of the order dated 31.01.2020 (Annexure P-4) in case CHI-368-2017, '*State vs. Mintu*' passed by learned Chief Judicial Magistrate, Palwal, whereby the petitioner had been declared as proclaimed person.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 22.01.2025, petitioner appeared before the learned trial Court on 27.01.2025 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 27.01.2025 passed by learned Additional Chief Judicial Magistrate, Palwal. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 31.01.2020 (Annexure P-4) passed by learned Chief Judicial



Magistrate, Palwal whereby the petitioner had been declared as proclaimed person, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 27.01.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 22.01.2025:-

“ By way of present petition filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks quashing of the order dated 31.01.2020 (Annexure P-4) in case CHI-368-2017, ‘State vs. Mintu’ passed by learned Chief Judicial Magistrate, Palwal, whereby the petitioner had been declared as proclaimed person in case FIR as mentioned below:

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
<i>774</i>	<i>29.10.2016</i>	<i>323, 325, 506, 34 IPC</i>	<i>Sadar Palwal, District Palwal</i>

2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been arrested in the aforesaid FIR, was granted concession of bail and had been regularly appearing in the concerned Court, as is evident from the zimni orders placed on record. He contends that the petitioner absented from the proceedings on account of certain circumstances beyond his control leading to issuance of non bailable warrants of arrest. He contends that learned Trial Court issued the proclamation vide order dated 23.05.2019 for 21.09.2019, however, on 21.09.2019, learned Trial Court recorded the statement of Executing Official to adjourn the case to 30.01.2020 for awaiting the presence of the accused Mintu. He further contends that vide impugned order dated 31.01.2020 (supra), learned Magistrate proceeded to declare the petitioner as proclaimed person in this case. He contends that the proclamation was never effected, moreover, there was no proclamation for the appearance of the petitioner for 30.01.2020 when he was declared as proclaimed person,



therefore, there is non compliance of the provisions contained under Section 82 Cr. PC.

4. Learned counsel for the petitioner further contends that infact the petitioner was arrested in another case, i.e. FIR No. 286 dated 28.07.2019, registered at Police Station Hathin, District Palwal, under Sections 148, 149, 302, 452, 120-B, 34 IPC and Section 25 of the Arms Act, i.e. the police station of the same district and was granted concession of bail vide order dated 01.08.2023, passed in CRM-M31558-2022, 'Ravi @ Mintu vs. State of Haryana', and as such, the petitioner could have been summoned through production of warrants but no such effort has been made by the police and this fact also shows that the proclamation has not been properly effected by the officials of the police station of the same district itself. He contends that the petitioner will regularly appear in the Court on each and every date of hearing without fail and face the trial.

5. Notice of motion, returnable for 04.02.2025.

6. On the asking of the Court, Mr. Praveen Bhadu AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He submits that next date fixed before the learned Trial Court is 01.02.2025 for prosecution evidence.

7. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 07 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds.

8. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed."

6. Keeping in view the fact that the petitioner has already appeared on 27.01.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 22.01.2025, passed by this Court, the present petition is allowed and order dated



Palwal, whereby the petitioner had been declared as proclaimed person is hereby set aside and the interim bail granted vide order dated 22.01.2025 is hereby confirmed.

7. The petition stands disposed of.

04.02.2025
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(SANJIV BERRY)
JUDGE

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