



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

349

CRM-M-62099-2024 (O&M)

Date of Decision:- 15.01.2025

SUKHDEV

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sapan Dhir, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. Status report dated 14.01.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Detective, Hisar is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned order dated 20.08.2019 (Annexure P-2) passed by the Court of learned Additional Chief Judicial Magistrate, Hisar, whereby the petitioner was declared as proclaimed person in case FIR No.859 dated 09.09.2018 registered under Sections 420, 406, 506 IPC (467, 468, 471 and 120-B IPC; 4/5/6 of Prize Chit and Money Circulation Scheme Banning Act, 1978 and 3(2) of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 added later



on) at Police Station City, Hisar, District Hisar.

4. Learned counsel for the petitioner has submitted that in compliance to the order dated 12.12.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds on 17.12.2024, whereby he has been admitted on interim bail by the learned trial Court.

5. Learned State counsel has not disputed the aforesaid factum and even in the status report filed by the State, it is specifically mentioned that the petitioner has appeared in the trial Court on 17.12.2024 and furnished his requisite bail/surety bonds in compliance to the order dated 12.12.2024.

6. Heard.

7. During the course of proceedings on 12.12.2024, the following order was passed.

“2. Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case. He further contends that in fact two FIRs i.e. one FIR (Annexure P-1) and the other one is FIR No.358 dated 08.09.2018, P.S. Sadar, Fatehabad, were registered against the petitioner which were pending before the same Court. The petitioner, on coming to know about the passing of the order declaring him ‘proclaimed offender’ in case FIR No.358 of 2018 had moved the petition bearing No. CRM-M-61447-2023 (Annexure P-5) wherein the order declaring the petitioner and co-accused as ‘proclaimed offender’ was set aside. He further contends that although the proceedings in the instant FIR were going on simultaneously but the petitioner was not aware of the same as he never received any notice, warrant or proclamation in the instant FIR. He contends that vide impugned order Annexure P-2, the petitioner has declared as proclaimed person in the case without there being proper compliance of the provisions contained under Section 82 of Cr.P.C. and on coming to know about the same, the petitioner has immediately approached the Court. He contends that the petitioner is ready to face the trial.



Hence, the present petition.

3 Notice of motion.

4. On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and has not disputed the factual matrix regarding the order being passed in the connected petition involving the present petitioner.

5. Adjourned to 15.01.2025.

6. Reply, if any, be also filed on the next date of hearing.

7. In the meanwhile, the petitioner is hereby directed to to appear before the learned Trial Court/Judge on duty within ten 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.

8. However, this order will be subject to the petitioner depositing costs of Rs. 20,000/- to be deposited by the petitioner in the Society for the Care of the Blind, Bank Account Number 10506615304, IFSC Code SBIN0003246, State Bank of India, Sector 7, Chandigarh (blind_institute_chd@yahoo.com).”

8. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 12.12.2024 passed by this Court, the present petition is allowed. The order dated 20.08.2019 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Hisar is set aside and the interim bail granted vide order dated 12.12.2024 is hereby confirmed.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

15.01.2025
S.Sharma(syr)

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