

CRM-M-5359-2026

-1-

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

CRM-M-5359-2026

Date of Decision: 10.02.2026

Anil Sharma

..... Petitioner

Versus

State of Haryana

.....Respondent

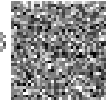
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Preetinder Singh Ahluwalia, Sr. Advocate with
Mr. Tejeshwar Singh, Advocate,
Mr. Nishant Tanwar, Advocate and
Mr. Aryan Bajaj, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 21.01.2023 (Annexure P-11) passed by learned Addl. Chief Judicial Magistrate, Gurugram, in a case FIR No.25 dated 05.01.2017, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Sushant Lok, District Gurugram, vide which the petitioner has been declared proclaimed person.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is submitted that the warrants issued against the petitioner were never executed, as the petitioner was admittedly not residing at the address mentioned therein. However, learned trial Court illegally declared the petitioner a proclaimed person vide order dated 21.01.2023, in blatant violation of the mandatory provisions of Section 82 Cr.P.C. It is further submitted that the petitioner's absence was neither deliberate nor intentional, but occurred due to circumstances beyond his control. The petitioner is now willing to appear before the Court



CRM-M-5359-2026

-2-

concerned, join the proceedings, face the trial, and comply with any conditions imposed by the Court. Accordingly, it is prayed that the order dated 21.01.2023 declaring the petitioner a proclaimed person be set aside.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He controverts the submissions made on behalf of the petitioner and submits that the petitioner deliberately avoided the process of law and remained absconding despite issuance of warrants. It is contended that due procedure under Section 82 Cr.P.C. was duly followed and sufficient opportunities were afforded to the petitioner to appear before learned trial Court.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was declared a proclaimed person vide order dated 21.01.2023 due to his non-appearance. Without entering into the merits or examining the authenticity of the grounds urged for the petitioner's absence, this Court deems it appropriate to set aside the order dated 21.01.2023 declaring the petitioner a proclaimed person. Accordingly, the said order is set aside, subject to the petitioner depositing a sum of Rs.5,00,000/- (Rupees Five lacs only) as costs with the **Indian Red Cross Society, UT Branch, Sector-11, Chandigarh** within a period of seven days from the date of receipt of a copy of this order.

6. The petitioner is directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an appropriate application alongwith receipt of costs of Rs.5,00,000/- and the trial Court would grant him bail till the disposal of the case on his

furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest till ten days from the date of receipt of copy of this order. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 21.01.2023 will come in force and the present petition shall be deemed to have been dismissed.
8. Petition stands disposed of in abovesaid terms.

10.02.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No