

CRM-M-32542-2015 (O&M)

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

**CRM-M-32542-2015 (O&M).
Decided on: December 4, 2015.**

Harnek Singh and another

..... Petitioner(s)

Versus

State of Punjab and another

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Ashok Giri, Advocate,
for the petitioners.**

Ms.Harpreet Kaur Athwal, DAG., Punjab.

M.M.S. BEDI, J (ORAL).

The petitioners appear to have been casually declared proclaimed offenders despite the petitioners having been found innocent during the course of investigation. The challan was presented against the co-accused of the petitioners who have already been acquitted by the learned Additional Sessions Judge, Jalandhar, vide order dated 11.8.2015.

The learned Additional Sessions Judge, Jalandhar, without determining the culpability of the petitioners and without even referring to the proceedings of declaring the petitioners proclaimed offenders, has casually dismissed the application for pre-arrest bail.

On the instructions of ASI Surjit Singh, State counsel informs that the petitioners are not required to be arrested.

In view of said circumstances, this petition is

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allowed. It is ordered that the petitioners, in case of their arrest in FIR No.34 dated 13.4.2014, under Sections 307, 148 & 149 IPC read with Sections 25 & 54 of the Arms Act, registered at Police Station, Bilga, District Jalandhar City, will be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the arresting officer. It will be open to the petitioners to challenge the validity of the order declaring them proclaimed offenders to set the records correct.

December 4, 2015.
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(M.M.S. BEDI)
JUDGE