

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-35631 of 2014

Date of Decision: January 22, 2015

Amarjeet Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Satnam Singh Gill, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C.
for quashing of order dated 19.02.2010 passed by learned Addl. Chief
Judicial Magistrate, Gurdaspur whereby the petitioner has been
wrongly declared as Proclaimed Offender.

Notice of motion was issued and learned State counsel
appeared and contested the petition.

I have heard learned counsel for the petitioner as well as
learned State counsel and have gone through the record.

From the record, I find that in the present FIR, vide order
dated 28.01.2010 Annexure P-2, this Court granted interim
anticipatory bail to the present petitioner Amarjeet Singh. This interim

anticipatory bail order has been made absolute by this Court vide order dated 30.03.2011.

The challan was presented in the present case against other accused and proceedings against Amarjeet Singh present petitioner were going on under Section 82 Cr.P.C.. As per Annexure P-5, order dated 16.01.2010 passed by learned ACJM, Gurdaspur, proclamation was issued against the accused along with present petitioner and statement of serving constable namely Head Constable Lakhwinder Singh was recorded and case was adjourned to 19.02.2010 for awaiting the appearance of the said accused which means that after passing of the above-said order, this Court has granted interim anticipatory bail to the present petitioner on 28.01.2010, which order was later on made absolute by this Court as per Annexure P-4 as discussed above.

As per order dated 19.02.2010 (Annexure P-6), learned ACJM declared present petitioner along with other accused as Proclaimed Offenders. When the present petitioner has already been granted interim anticipatory bail by this Court and the proceedings were still pending before this Court regarding the anticipatory bail, then the order declaring the petitioner as Proclaimed Offender at that time is not as per law. At that time, when this Court has already granted interim anticipatory bail to the petitioner, in no way, it can be held that petitioner was absconding from the process of law.

In view of the above discussion, I find that the impugned order dated 19.02.2010 passed by learned ACJM, Gurdaspur is not as

per law and illegal and the same is hereby quashed.

Therefore, finding merit in the present petition, the same is allowed.

January 22, 2015
Vgulati

(INDERJIT SINGH)
JUDGE