

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRM-M-44012-2014

Decided on: 09.07.2015

Rajinder Pal Singh and anotherPetitioners

vs.

State of Punjab and anotherRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. B.S.Baath, Advocate for the petitioners.
Mr. Deepak Garg, Asstt. AG, Punjab.

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Mahesh Grover, J

The petitioners pray for quashing of the order dated 24.12.2013 (Annexure P6), whereby the proclamation was ordered against the petitioners to declare them as Proclaimed offenders under Section 82 of the Code of Criminal Procedure.

It has been pleaded before this Court that both the petitioners were not required by the police as they were declared innocent. In the trial, which was faced by the co-accused, they were never summoned as additional accused. It is, thus, contended that there was no occasion for the Court to resort to the proceedings under Section 82 of the Code of Criminal Procedure when the police had neither found any material against the petitioners nor challaned them. Further in the absence of any relevant proceedings against the petitioners during the course of trial, it is not understandable as to how the petitioners have been proceeded against for issuance of proclamation under Section 82 of the Code of Criminal Procedure. These are the prime factors agitated before this Court apart from the fact that the co-accused who faced trial were also acquitted and that proper summons were not issued to the petitioners as they were residing

abroad.

This Court is of the opinion that impugned order has caused grave prejudice to the petitioners. If the petitioners had been declared innocent, not wanted during the course of trial, there was no occasion for them to be declared as proclaimed offenders. Nothing has been shown by the respondents as to whether any warrants were issued by the Court against the petitioners and if so for what purpose. The trial Court, thus, committed grave error in proceeding against the petitioners under Section 82 of the Code of Criminal Procedure.

The order can be termed as oppressive to the petitioners and is,thus, set aside.

Petition stands allowed.

09.07.2015

mamta

(MAHESH GROVER)
JUDGE