

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

**CRM-M-11191 of 2016
Date of Decision: 22.07.2016**

Kapil Dev Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.N.S.Dandiwal, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

This petition has been filed for quashing of order dated 21.12.2013 (Annexure P-4) passed by JMIC, Moga, for declaring the petitioner as proclaimed offender in FIR No.104 dated 10.06.2013 (Annexure P-1).

Learned counsel for the petitioner has referred to the order dated 09.05.2016, wherein, it has been ordered that petitioner would surrender before the Session Court/trial Court and the Court would grant him interim bail. In compliance of the same, he appeared before the trial Court and he was released on interim bail after accepting his bail bonds to the satisfaction of the trial Court. Petitioner was declared as proclaimed offender vide order dated 21.12.2013 (Annexure P-4) when he was not in India.

The petitioner has placed on record copy of the passport and information of ticket that he had left India on 03.06.2013 (Annexure P-6) and never came to India till date. A copy of the ticket is annexed with this petition as Annexure P-6.

No attempt was made to follow the complete and necessary procedure as contemplated under Section 82 Cr.P.C., while declaring the

petitioner as a proclaimed offender. Even the petitioner is not in India. The police official should have served the summons through Ministry of External Affairs nor the service ought to have been effected through a newspaper published, where the person is ordinary residing. As such, order dated 21.12.2013 (Annexure P-4) declaring the petitioner as proclaimed offender is set aside and petitioner shall face trial in accordance with law.

(RITU BAHRI)
JUDGE

22.07.2016
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