

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

CRM-M-No.11586 of 2016

Date of decision : 10.08.2016

Sammi and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Saleem Ahmed, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG., Haryana assisted by
ASI Mahender Singh.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of impugned order dated 21.10.2014 passed by learned SDJM, Hathin whereby the petitioners were declared as proclaimed offenders in FIR No.332 dated 12.09.2013 registered under Sections 420, 394 and 506 of the Indian Penal Code (for short 'the IPC'), and Section 25 of Arms Act, at Police Station Hathin, District Palwal.

Learned counsel for the petitioners states that petitioners were declared proclaimed offenders without effecting service upon them. As per the report of Investigating Officer reflected in Para 5 of reply no incriminating evidence was collected during investigation. The petitioners were declared proclaimed offenders during the investigation and it was found that petitioners were not required in the present FIR. Thereafter, the petitioners remained under the belief that their presence before Court is not required as they have been exonerated of the charges.

On the other hand, learned State counsel opposes the prayer of the petitioners and submits that the petitioners have rightly been declared proclaimed offenders after adopting due procedure of law.

Heard.

In the reply filed by Deputy Superintendent of Police, Hathin it finds mention that allegations were made against 22 persons. Out of them, Shakir, Akhtar, Jamil, Rahis and Liyakat have already been acquitted by the trial Court.

In view of the fact that no evidence was collected against the petitioners and as per the report of the Investigating Officer, there is no evidence on record with regard to the service effected upon the petitioners before passing of the order dated 21.10.2014.

However, keeping in view the fact that the petitioners have been declared innocent, this Court directs that in case the presence of the petitioners is required by the trial Court, they shall surrender before it and in that eventuality, the trial Court shall admit them to bail to its satisfaction.

The order dated 21.10.2014 passed by SDJM, Hathin, is hereby set aside. The petition stands allowed.

(JITENDRA CHAUHAN)
JUDGE

August 10, 2016
vanita

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No