

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-13424 of 2015

Date of Decision: 22.11.2016

Harbhajan Singh & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Gursimran Singh Bawa, Advocate for
Mr. Jaswinder Singh, Advocate
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of order dated 21.1.2015 passed by learned Judicial Magistrate Ist Class, Ferozepur (Annexure P-1), whereby the petitioners have wrongly been declared as proclaimed offenders in case FIR No.167 dated 18.10.2013 under Sections 420/406/467/468/471/120-B IPC registered at Police Station Kulgari, District Ferozepur.

Learned counsel for the petitioners states that petitioner no.1 - Harbhajan Singh is stated to have been served on wrong address i.e. H.No.115, Rose Park, Gali No.2, Jalandhar, whereas his actual address is House No.164, Tower Enclave, Phase-III, Village Wadala, Tehsil

Jalandhar-2, District Jalandhar and similarly, petitioner no.2 – Satnam Singh is stated to have been served at Village Dheena, District Jalandhar, whereas he is residing at Aman Enclave-Dhina, Jalandhar Cantt. In this manner, the petitioners have been declared as proclaimed offenders and proceeding under Section 174-A IPC have been initiated against them.

Learned counsel for the petitioners states that the petitioners are ready to face trial provided they are admitted on bail.

However, learned State counsel, on instructions from HC Chand Singh, submits that the petitioners are intentionally not putting in appearance, as it has been reported by the Constable concerned that they are avoiding service.

I have heard learned counsel for the parties.

This petition is disposed of with a direction that in case the petitioners surrender before the trial Court within a period of 15 days from today, they shall be admitted on bail, however, subject to furnishing of their bail bonds/surety bonds to the satisfaction of the trial Court. The trial Court shall be at liberty to put any other condition(s), which it may deem appropriate.

November 22, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No