

102

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

**CRM-M-15867-2016
Date of decision-30.08.2016**

Gurjit Singh @ Kanti

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab assisted by
ASI Mewa Singh of PS Samana, District Patiala and
ASI Satyawar of PS Cheeka, District Kaithal.

JITENDRA CHAUHAN, J. (Oral)

On 27.08.2016, present petition was taken up for hearing whereby the arrest of the petitioner was stayed and the petition was allowed . The expression that the present petition is allowed appears to have crept in inadvertently as the application was under Section 482 of Code of Criminal Procedure (for short 'Cr.P.C') and the purport of the order was only to appear before the Investigating Officer for investigation. The order was passed in view of the statement made by learned counsel for the petitioner that he is not a proclaimed offender. However, after the detailed inquiry from the Investigating Officer, learned State counsel had brought to the notice of this Court that the petitioner is still a proclaimed offender in the State of Haryana. This assertion was categorically denied by learned counsel for the petitioner. Accordingly, the Court passed a conditional order stating if the statement made at bar by learned counsel for the petitioner is found to be

against the record, the present petition shall be deemed to be dismissed without further notice.

Today, after verification, learned State counsel has circulated order dated 03.09.2015, passed by learned Judicial Magistrate First Class, Guhla whereby the petitioner was declared as proclaimed offender. The Investigating Officer in FIR No.64 dated 30.04.2015, is also present and verify the factum of the petitioner being a proclaimed offender.

In view of the admitted position, the order dated 27.08.2016 is recalled and the present petition is ordered to be dismissed with costs of ₹15,000/- to be paid to District Legal Services Authority, Patiala within 45 days from today.

The Court appreciates the earnest and sincere efforts made by learned State counsel and the Investigating Officer for assistance made to the Court in order to bring out the true facts. The Court appreciates the devotion of duty shown by the Investigating Officer. Petitioner has tried to misguide this Court and has not approached this Court with clean hands.

Learned counsel for the petitioner is advised to remain careful in future and not to make statement without verification of the facts at the bar.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

August 30, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No