

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-25179 of 2016

Date of Decision: 04.10.2016

Rajinder Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Manmeet Singh Rana, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of order dated 26.11.2015 passed by Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner has been declared as proclaimed offender, even though he was already discharged by order dated 4.8.2014.

Learned counsel for the petitioner submits that vide order dated 4.8.2014 passed by Judicial Magistrate Ist Class, Ludhiana, the petitioner was discharged, though for the time being, as no supplementary report was presented to the Court. He submits that now, vide order dated 26.12.2015, learned Magistrate has declared the petitioner as proclaimed offender despite the fact that no supplementary challan has been presented.

Notice of motion.

Mr. Gurinderjit Singh, DAG, Punjab accepts notice.

Learned State counsel, on instructions from HC Gurmeet Singh, fairly states that in the case in hand, supplementary challan has not been presented and the petitioner was discharged by the learned Magistrate vide order dated 4.8.2014, though for the time being.

I have heard learned counsel for the parties.

Once no material has been brought to the notice of this Court or the trial Court that supplementary challan has been presented in the case, the order dated 26.11.2015 cannot sustain.

Accordingly, the present petition is allowed and the order dated 26.11.2015 is set aside. In case the petitioner surrenders before the trial Court within 15 days from today, the trial Court shall admit him on bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

October 04, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No