

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

**C.R.M-M No. 26420 of 2015 (O&M)
Date of Decision : 27.07.2016**

Sukhwinder Singh @ Dofli

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482
Cr.P.C. for quashing of order dated 20.04.2013 whereby the petitioner
has been declared as proclaimed offender in F.I.R. No.70 dated
30.05.2012 registered under Sections 452/341/323/427/506/148/149 IPC,

at Police Station Sadar Sangrur.

Learned counsel for the petitioner has argued that the offences which have been alleged against the petitioner have not been mentioned in Sub-Section (4) of Section 82 Cr.P.C. and therefore he should not have been declared as proclaimed offender.

Learned Deputy Advocate General has argued that even if this is correct the practical difference only is that a person who is not covered by Sub-Section (4) of Section 82 Cr.P.C. is ultimately liable for a lesser sentence than a person who is involved in Sub-Section (4) of Section 82 Cr.P.C. and otherwise there is no difference between the two except that in one case the concerned person is called a proclaimed offender and in the other case he is referred to as a proclaimed person.

In the circumstances, it is decided that the order against the petitioner will be read as an order declaring him as a proclaimed person rather than a proclaimed offender and in case he appears and surrender before the trial Court on 08.08.2016 and moves an application for regular bail the same shall be decided on merits on or before 16.08.2016.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending Criminal

Misc. Application, if any, also stands disposed of.

A copy of this order be given *dasti* to learned counsel for the petitioner on payment of usual charges.

July 27, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No