

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

(216-A)

CRM-M-3263-2016

Decided on: February 25, 2016.

Yogesh Kumar and another

.... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jainainder Saini, Advocate, for the petitioners.

Mr. Gurdas Singh Salwara, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

This order will dispose of a petition for quashing of order dated 23.04.2015 declaring the petitioners as proclaimed persons claiming that the petitioners were not residing at the address given in the FIR. The FIR in the present case has been registered at Police Station Sector 14, Panchkula wherein the petitioners claim that they had not been residing at the address used for effecting proclamation or issuance of warrants.

With the assistance of learned counsel for the petitioners, I have gone through the documents and I am of the opinion that the proclamation was issued against the petitioners under Section 82 Cr.P.C indicating their address to be that of Kurukshetra whereas the petitioners claim to be residents of Hisar. The petitioners appear to have married against the wishes of their family members by showing their address of Zirakpur (Mohali) in the year 2010.

In view of uncertainty of address of the petitioners, it appears that the proper proclamation was not issued at the correct address of the petitioners. The petitioners have also filed a separate application for grant of pre-arrest bail. Since the petitioners had been taking steps to protect their liberty, they cannot be said to have knowledge of the proclamation.

The order declaring the petitioners as proclaimed persons dated 23.04.2015 is thus hereby set aside subject to the adjudication of application under Section 438 Cr.P.C filed by the petitioners. The petition is allowed in the above terms.

(M.M.S. BEDI)
JUDGE

February 25, 2016
harsha