

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

CRM-M-33688-2016

Date of decision: 03.12.2016

Baljit Singh @ Baljit Singh Chaudhary

...Petitioner

Versus

U.T. Chandigarh.

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

Mr. Amandeep S. Gill, Asstt. P.P. (U.T. Chandigarh)

JAISHREE THAKUR, J.

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 01.02.2016 (Annexure P-1) passed by the learned trial Court in case FIR No. 245 dated 22.08.2011 under Section 323, 341, 506, 34 IPC, registered at Police Station Sector 11, Chandigarh whereby the petitioner had been declared as proclaimed person under Section 82 Cr.P.C.

Learned counsel for the petitioner contends that without following the provisions of Section 82 Cr.P.C. the petitioner had been declared as proclaimed person. In fact, the petitioner was confined in jail in another case during the relevant period and, thus, was not avoiding warrants. While in custody the petitioner had appeared before the Chandigarh Court in another case and, therefore, the Chandigarh Police was more aware as to about his whereabouts. Vide an order dated 12.09.2016, the petitioner surrendered before the trial Court and was admitted to bail on furnishing his bail bonds and surety to the satisfaction of the trial Court. The

impugned order dated 01.02.2016 by which the petitioner herein had been declared as proclaimed person, is liable to be set aside on account of the fact that there was no effective service. The petitioner was in custody and was not able to put in appearance and was not deliberately avoiding service.

In view of the above facts and circumstances, the order dated 01.02.2016 is hereby set aside. The petitioner has been enlarged on bail no further orders are called for.

The petition stands allowed.

03.12.2016

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No.