

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

CRM-M No.3635 of 2016 (O&M)
Date of decision: 06.04.2016

Gurlal Singh

.... Petitioner

versus

State of Punjab

.... Respondent

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

Present: Mr. Tarunveer Vashist, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. A.P.S.Mann, Advocate
for the complainant.

M.M.S.Bedi, J

The petitioner has challenged order dated 03.07.2015 passed by Addl. Sessions Judge, Patiala declaring the petitioner a proclaimed offender. The petitioner has sought quashing inter alia on the ground that the trial Court has not complied with the provisions of Section 82 Cr.P.C. before declaring him a proclaimed offender.

Counsel for the complainant and the State counsel have opposed the petition contending that the petitioner has no doubt been summoned under Section 319 Cr.P.C. after having been released on bail on the basis of a report declaring him innocent but he opted not to appear before the Court pursuant to the non-bailable warrants issued in the exercise of powers under Section 319 Cr.P.C.

After going through the order dated 03.07.2015 and police file, it is apparent that 30 days clear notice had not been given to the petitioner as per the requirement of Section 82(1) Cr.P.C.

The petitioner was given interim relief to put in appearance before the trial Court. The petitioner has put in appearance making the order declaring him proclaimed offender redundant. The order dated 03.07.2015 declaring the petitioner proclaimed offender is, therefore, set aside. There is no prayer for any further relief.

It has been informed by counsel for the complainant that the order passed under Section 319 Cr.P.C. summoning the petitioner as an additional accused has been challenged by the petitioner in a criminal revision petition bearing CRR No.752 of 2015. A Coordinate Bench of this Court vide order dated 03.03.2015 has issued notice for 07.07.2015 and required the petitioner to submit himself to the jurisdiction of the trial court and make an appropriate application for bail. The petitioner did not comply with the said direction as a result of which, his application for pre arrest bail being CRM-M No.25937 of 2015 titled as Gurlal Singh vs. State of Punjab was dismissed by the Coordinate Bench of this Court on 18.08.2015.

In view of the said circumstances, coupled with the circumstance that the scope of present petition is merely to adjudicate the validity of order dated 03.07.2015 declaring the petitioner as proclaimed offender, no opinion can be expressed whether the petitioner would be entitled to pre arrest bail in the proceedings under Section 319 Cr.PC. Merely because the petitioner has interim orders in the present petition and has appeared before the trial court will not ipso facto mean that he has been granted the concession of pre arrest bail, which had earlier been declined to the petitioner in CRM-M No.25937 of 2015 titled as Gurlal Singh vs. State of Punjab by Anita Chaudhry, J. vide order dated 18.08.2015. The scope of the present

petition is only to the extent of determining the validity of order dated 03.07.2015.

The petition is allowed only to the extent of prayer made. Nothing mentioned in this order will be deemed to hold that the petitioner has been granted concession of pre arrest bail by this Court by overriding the order passed earlier in his petition for pre arrest bail after the order of summoning the petitioner as an additional accused under Section 319 Cr.PC.

06.04.2016
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(M.M.S.Bedi)
Judge