

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

CRM-M-39583-2014 (O&M)

Date of Decision: January 5, 2016

Jasdev Singh Thind

.....Petitioner

Versus

Narinder Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether Reporters of local papers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr.G.S.Bajwa, Advocate
for the petitioner.

Mr.Puneet Sharma, Advocate for
Mr.Sandeep Arora, Advocate
for respondent No.1.

Mr.P.S.Paul, DAG, Punjab
for respondent No.2.

.....

NARESH KUMAR SANGHI, J.(ORAL)

Learned counsel for the petitioner has confined his prayer to the extent that in a complaint case, the petitioner was declared as proclaimed offender without noticing the fact that he (petitioner) was never served with bailable or non-bailable

warrants. He has referred to interim/zimni orders, Annexure P3 (colly) passed by the learned trial Court.

As per the material available on record the summoning order was passed by the learned trial Court on 22.05.2008 and the petitioner had left India and gone to New Zealand on 21.06.2008 before his service could be effected. Perusal of the interim (Zimni) orders passed by the Court below would reveal that the petitioner was never served and suddenly on a particular date the learned trial Court opted to start the process under Section 82, Cr.P.C., for declaring the petitioner as proclaimed offender and ultimately abruptly vide order dated 05.07.2010, Annexure P5, the petitioner was declared a proclaimed offender.

After hearing the learned counsel for the parties, this Court finds that the petitioner was never served and it has not come on record that he was in the knowledge of the summoning order, dated 22.05.2008 passed by learned trial Court.

In view of the above, the order, dated 05.07.2010, Annexure P5, is set aside and it is directed that if the petitioner appears before the learned trial Court within 45 days of passing of this order and moves an application for grant of bail, the same

shall be decided as expeditiously as possible, in accordance with law, without being influenced with the fact that he was declared as proclaimed offender

Disposed of.

January 5, 2016
meenu

(NARESH KUMAR SANGHI)
JUDGE