

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 39545 of 2015
Date of decision: 4.4.2016

Virender

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. Navmohit Singh, Advocate.
Mr. CS Bakshi, Addl.A.G. Hry

M.M.S.BEDI,J.

The petitioner seeks quashing of order dated 3.4.2010 passed by the learned JMIC declaring the petitioner along with Virender, Nanda and Balram as proclaimed offenders on the basis of the proclamation effected qua the petitioner on 25.2.2010.

With the assistance of learned counsel for the petitioner, I have gone through the proclamation issued qua the petitioner showing him as son of Tek Ram, resident of Village Rinddhana, P.S. Baroda, District Sonapat. In the proclamation, purported to be dated 3.2.2010, the petitioner was required to appear before the Illaqa Magistrate within 30 days from 3.2.2010.

Counsel for the petitioner submits that earlier warrants were issued showing him son of Mahipal but subsequently report had been received that his father's name is not Mahipal. Proclamation was again issued against him showing him as son of Tek Ram.

After hearing counsel for the parties, I am of the opinion that so far as issuance of proclamation is concerned, it has been rightly issued. The voters list of the Village Rindhana produced by counsel for the

petitioner indicates that there are 11 persons in the names of Virender but their fathers names are different. The said voters list is taken on record. I have considered the publication, requiring the petitioner to appear before the court within 30 days after 3.2.2010. On the back side of the publication, is mentioned that Virender son of Tek Ram had not been in the village for the last one and a half years and that the publication had been affixed at the house as well as at a public place in the village on 25.2.2010. The publication having been done on 25.2.2010, it cannot be said that the petitioner had been given 30 days notice w.e.f. from the publication dated 3.2.2010. Giving benefit of uncertainty of 30 days to appear before the Illaqa Magistrate, it cannot be said that the petitioner had been evading appearance before the Illaqa Magistrate. Be that as it may, it is sufficient to observe that the petitioner has been granted the concession of pre-arrest bail after he has joined the investigation.

The petition is allowed. Impugned order dated 3.2.2010 declaring the petitioner as proclaimed offender is hereby set aside.

April 4 ,2016
TSM

(M.M.S.BEDI)
JUDGE