

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

Sr. No.249

CRM No.M-43155 of 2014

Date of Decision: January 19, 2016

Shashi Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

1. *Whether Reporters of Local Newspapers 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?*

JASPAL SINGH, J. (ORAL)

Instant petition preferred by petitioner-Shashi Pal under Section 482 of the Code of Criminal Procedure seeking for setting aside the order dated April 18, 2014 (Annexure-P-6) by virtue of petitioner has been declared proclaimed person as well as order dated September 25, 2014 (Annexure P-8) vide which revision petition has been dismissed upholding the order dated April 18, 2014.

At the very outset of arguments, it has been pointed

by learned counsel for petitioner that after notice of motion in this case, the petitioner applied for bail. The said application was disposed of by the Court of learned Additional Sessions Judge, Patiala with a direction to the trial Court to release petitioner on bail at his satisfaction. In pursuance thereof, the petitioner-Shashi Pal appeared before Duty Magistrate, 1st Class, Patiala and vide order dated June 18, 2015. The petitioner-Shashi Pal has been released on bail. He has joined the proceedings and trial is in progress.

A glance at the impugned order whereby petitioner was declared proclaimed person by learned Magistrate transpires that the same is violative of the procedure laid down in Section 82 of Cr.P.C has not been adopted and proper opportunity was not afforded to him. Thus, the same is not sustainable in the eyes of law. As such, the other order deserves to be set aside.

In the light of what has been discussed about, this petition is allowed and the order dated April 18, 2014 is set aside.

January 19, 2016*Ankur***(JASPAL SINGH)
JUDGE**