

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-5602 of 2016

Date of Decision: February 16, 2016

Prem Lal @ Prem Chand

.....Petitioner

Vs.

Dhanwant Singh

.....Respondent

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

-. -

Present:- Mr.Ajay Singla, Advocate
for the petitioner.

-. -

M.M.S. BEDI, J. (ORAL)

Having not put in appearance pursuant to the summons issued in a private complaint, the trial Court has taken proceedings for declaring the petitioner as a proclaimed offender under Section 82 Cr.P.C.

Counsel for the petitioner submits that the petitioner was never issued any notice for appearance before the Court on December 10, 2012 but he has been declared a proclaimed offender on said date. Counsel for the petitioner states at bar that all the co-accused of the petitioner stand discharged vide order dated October 3, 2015. The learned Additional Sessions Judge has dismissed the application on the ground that the

petitioner was not able to show any order indicating that any non-bailable warrants had been issued against the petitioner or that any proceedings have been initiated by the Court.

I have considered the facts and circumstances of this case. The order declaring the petitioner a proclaimed offender appears to have merged in the order of discharge but since an order had been passed by the Court to register FIR under Section 174 A IPC, prima facie there is an apprehension of arrest. Application for grant of pre-arrest bail has been dismissed by learned Additional Sessions Judge, Jalandhar vide order dated January 20, 2016 on the ground that the petitioner has not been able to show whether any non-bailable warrants have been issued or any other procedure has been initiated by the Court. As the order has been passed in presence of State counsel, it was required from the said Court to confirm from the record of the State whether there is apprehension of arrest pursuant to he having been declared as a proclaimed offender in a private complaint.

In view of the above, the petition is disposed of in limine with a direction that in case any step is taken to arrest the petitioner on the basis of the order dated December 10, 2012 declaring the petitioner a proclaimed offender, he will be released on bail to the satisfaction of the arresting officer.

February 16, 2016
sanjay

(M.M.S.BEDI)
JUDGE