

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 250

Criminal Miscellaneous No.M-7512 of 2015 (O & M)

Date of Decision: *January 22, 2016*

Parteek Sood @ Rahul

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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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?

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PRESENT: - Mr. Manoj Kumar Sood, Advocate, for the petitioner.

Mr. Arjinder Singh Sidhu, Assistant Advocate General,
Punjab.

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Jaspal Singh, J (Oral)

1. This petition has been preferred under Section 482 Cr.P.C.
for quashing order dated February 19, 2015 (Annexure P-10) passed by
the Chief Judicial Magistrate, Mohali, declaring the petitioner as
Proclaimed Offender in case FIR No.134 dated June 20, 2012, under
Sections 406, 420, 120-B IPC, registered at Police Station, Phase – 1,
Mohali.

2. While issuing notice of motion vide order dated March 17, 2015, the petitioner was directed to surrender before learned Chief Judicial Magistrate, SAS Nagar (Mohali) on March 26, 2015, with further direction that if he does so, he shall not be arrested but he will furnish an undertaking before the court that he will appear as and when required by it. This fact is not disputed by learned State counsel.

3. As far as impugned order dated February 19, 2015 (Annexure P-10) is concerned, it appears that the process was issued under Section 182 Cr.P.C. by showing his residential address as “Rahul @ Parveen Sood son of Vinod Sood R/o Village Kot Ghanni Jubal, Distt. Shimla H.P.” The process received back as petitioner was not found available. Infact, the exact name of petitioner is “Parteek Sood @ Rahul son of Vinod Kumar Sood, resident of Vastav Bhoomi, Bus-stand Jubbal, District Shimla” where the process should have been issued. Therefore, proceedings initiated under Section 182 Cr.P.C. cannot be termed to be legal. Moreover, petitioner has also joined the proceedings.

4. Taking into consideration aforesaid aspect of the case, order dated February 19, 2015 (Annexure P-10) is set aside. Consequently, the petition is allowed.

January 22, 2016
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(Jaspal Singh)
Judge