

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

CRM-M-940-2016

Date of Decision: February 09, 2016

Om Parkash Jhorar and another

.....Petitioners

Versus

State of Punjab 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.Jitender Dhanda, Advocate
for the petitioners.

.....

NARESH KUMAR SANGHI, J.(ORAL)

Notice of motion.

At the asking of the Court, Mr.K.S.Pannu,DAG, Punjab, and Mr.K.B.S.Mann, Advocate, who are present in Court, accept notice for respondent Nos.1 and 2 respectively.

Learned counsel for the parties are in unison that the present petition can be disposed of today itself.

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of order, dated 28.08.2014, passed by learned Sub Divisional Judicial Magistrate, Malout, whereby the petitioners, Om Parkash Jhorar and Savita Jhorar were declared as proclaimed offenders. Learned counsel contends that perusal of the report, Annexure P7, tendered by HC Surjit Singh, Police

Station, Lambi, on the summons to be served to the petitioners, it was mentioned that the petitioners were living abroad in Australia for the last 15 years. Learned Sub Divisional Judicial Magistrate without taking that fact into consideration that there was no proper service of the summons or warrants upon the petitioners passed the orders under Section 82, Cr.P.C. declaring the petitioners as proclaimed offenders. He further submits that no proper procedure enshrined in Section 82, Cr.P.C. was followed before the declaration of the petitioners as proclaimed offenders.

Learned counsel for the State after going through the report, Annexure P7, fairly concedes that once it has come on record that the petitioners were residing in Australia would show that they were not served properly before declaring them as proclaimed offenders.

In view of the above, order dated, Annexure P6, whereby the petitioners were declared as proclaimed offenders is set aside.

Petitioners may take recourse for their bail etc. before the Court below in accordance with law.

February 09, 2016
meenu

(NARESH KUMAR SANGHI)
JUDGE