

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

Date of Decision: 04.05.2017

1.CRM-M No.10123 of 2017

Satbir Aggarwal and othersPetitioners

Versus

State of Haryana ... Respondent

2. CRM-M No.728 of 2017

Satbir Aggarwal and othersPetitioners

Versus

State of Haryana ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vivek Khatri, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(ORAL)

Vide this common order, CRM-M No.10123 of 2017 titled Satbir Aggarwal and others Vs. State of Haryana and CRM-M No.728 of 2017 titled Satbir Aggarwal and others Vs. State of Haryana are being disposed of.

FIR No.133 dated 28.01.2014 was registered under Sections 147, 148, 149, 332, 353, 186, 435, 283, 341, 427 IPC, Sections 25.54.59 of the Arms Act and Sections 3/ 4 of PPDP Act in Police station Sadar Hisar, District Hisar.

Petitioners were not arrested in the aforesaid case,

rather police went to investigate the case and ultimately filed report under Section 173 Cr.P.C. During the intervening period, a notice was issued to the petitioners, which was received back unexecuted and thereafter, proceedings in terms of Sections 82/83 Cr.P.C were undertaken by the trial Court and ultimately, petitioners were declared as proclaimed offenders.

The precise grievance of the petitioners in CRM-M No.728 of 2017 is that the petitioners were declared as proclaimed offenders without following proper procedure enshrined under Section 82(4) of the Code of Criminal Procedure.

Vide letter memo dated 02.03.2015, office of Additional Chief Secretary to Government of Haryana Home Department sought necessary information from the Director General of Police, Panchkula and District Magistrate, Hisar for withdrawal of the case, and thereafter proclamation in question came to be made without issuing any information to the petitioners.

In the light of facts on record, more particularly in view of the fact that petitioners were not arrested during course of investigation and challan was presented, the passing of order declaring the petitioners to be proclaimed offenders, in my considered opinion does not call for any inference at the hands of this Court.

Since the challan has already been filed, therefore, looking to the controversy involved in the present case and without adverting anything on the merits of case, I deem it appropriate to direct the petitioner to surrender before the trial Court within 10 days. In the event of surrendering and filing the application for regular bail by the petitioners, the same shall be decided by the trial Court within 3 days in accordance with law.

Both the petitions stand disposed of accordingly.

04.05.2017.	(RAJ MOHAN SINGH)
prince	JUDGE
Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No