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

**CRM-M No.11838 of 2017
Date of Decision: 07.04.2017**

SARABJIT SINGH @ SABI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Chanchal K. Singla, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has assailed order dated 14.07.2009, whereby he was declared to be a proclaimed offender under Section 82(4) of the Code of Criminal Procedure (for short 'the Cr.P.C.).

Learned counsel for the petitioner submitted that FIR No.175 was registered on 14.12.2007 under Section 61/1/14 of the Excise Act and under Sections 420, 465, 468, 471 IPC at Police Station Lalru, District SAS Nagar, Mohali. Challan was presented on 02.12.2008 and the petitioner was placed in column No.2 of the challan. Thereafter proclamation was ordered on 04.04.2009 and a notice was issued on 06.06.2009

requiring the petitioner to appear on 11.06.2009. In the event of non-appearance of the petitioner, he was declared as a proclaimed offender on 14.07.2009.

Learned counsel further submitted that the supplementary challan was presented in the absence of the petitioner on 26.01.2010. The original accused namely Hari Pal was tried by the trial Court and was ultimately acquitted of the offences vide judgment of acquittal on 27.08.2014.

Learned counsel assailed the impugned order on three counts, firstly in view of Section 82(1) Cr.P.C., clear 30 days notice was required to be given from 06.06.2009 onwards for the appearance of the petitioner. Further adjournments from 11.06.2009 onwards should have entailed in issuance of fresh notice to the petitioner in view of **Ashok Kumar vs. State of Haryana and another, 2013(4) RCR (Criminal) 550**. Secondly, the petitioner was required to be served by complying the provisions in terms of Section 105(b) Cr.P.C. Thirdly, for the offences in question, at the most the petitioner could have been declared a proclaimed person. Petitioner is ready and willing to appear before the trial Court.

Notice of motion.

On the asking of the Court. Mr. Shilesh Gupta, Addl. A.G., Punjab accepted the notice on behalf the respondent-

State.

Heard.

Keeping in view the aforesaid factual matrix, it would be just and appropriate to direct the petitioner to surrender before the trial Court within a period of two weeks from today. In the event of surrender by the petitioner and applying for regular bail, he shall be admitted on bail by the trial Court. However, petitioner shall keep on appearing before the trial Court regularly.

Petition stands disposed of.

April 07, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No