

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

Criminal Misc. No.M-20964 of 2017 (O&M)

Date of Decision: June 02, 2017

Hardev Singh

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ankur Mittal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Respondent No.2-Bhavna @ Rimpay was declared proclaimed offender by the Illaqa Magistrate vide order dated 12.07.2016. She filed revision before the Additional Sessions Judge, who set aside order dated 12.07.2016 with the observation that before declaring the petitioner proclaimed offender, cancellation report had already been forwarded against her vide road No.90 dated 30.04.2016. Said report was duly forwarded by SI Sukhmandar Singh, SHO, Police Station Thermal Colony Bathinda but the learned trial Court did not consider the said report and proceeded to issue fresh proclamation warrants against respondent No.2. It was also observed that respondent No.2 also appeared before Deputy Superintendent of Police (Investigation), Bathinda on 08.03.2016 and got her statement recorded. The cancellation report was found in the record of trial Court and the revisional Court below was of the view that when an accused has been found innocent, there is no reason or purpose to declare

him/her a proclaimed offender.

Learned counsel for the petitioner submits that the order passed by learned Additional Sessions Judge, Bathinda is based on wrongly presented facts. While referring to Annexure P-5, learned counsel for the petitioner argues that the cancellation report was prepared on 27.07.2016 and not forwarded as per road No.90 dated 30.04.2016, a fact recorded in the order passed by learned Additional Sessions Judge. Respondent No.2 joined inquiry but not the investigation and no recovery was effected from her.

On giving a careful thought to the submissions of learned counsel for the petitioner, I find no merits therein. Order passed by Additional Sessions Judge is based on the documents produced before it while no authenticity can be attached to the information supplied to the petitioner under Right to Information, copy of which has been placed on file as Annexure P-5. Even otherwise, this fact is not disputed that cancellation report has been filed and respondent No.2 has been found to be innocent. Once a person is found innocent during investigation, there is no purpose of declaring him a proclaimed offender. Learned revisional Court below has taken an appropriate view in the matter and has rightly set aside order dated 12.07.2016 declaring respondent No.2 as proclaimed offender.

This petition has no merits.

Dismissed.

June 02, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No