

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

**CRM No.M-23865 of 2017
Decided on: 11.12.2017**

Gursimrat Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Brar, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing the order dated 03.04.2006 (Annexure P3) passed by the trial Court in FIR No.140 dated 17.07.2005 registered under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Sadar Ludhiana, District Ludhiana vide which the petitioners were declared as proclaimed offenders.

Counsel for the petitioners has submitted that petitioner No.1 has gone to USA in the year 2000 and never came back thereafter and petitioner No.2 is residing in USA since 1998 and he came back in the year 2002 for a marriage and thereafter, again gone to USA since 2004 and has never come back.

Counsel for the petitioners has further submitted that petitioners were not aware of the fact that the warrants of arrest were issued against them by the trial Court vide order dated 16.01.2006 and the proclamation which was issued against the petitioners vide order

dated 22.03.2006 was not to the ordinary place of residence of the petitioners. It is further submitted that the proceedings initiated under Section 82 Cr.P.C., the mandatory procedure for publishing the proclamation has not been followed as the proclamation was neither served on the petitioners nor the same was made at the place where the petitioners are residing.

Vide order dated 11.08.2017, the petitioners were directed to appear before the trial Court and the trial Court was directed to release the petitioners on interim bail subject to payment of costs of Rs.30,000/- on account of causing delay in the proceedings. Counsel for the petitioners has placed on record the order dated 23.10.2017 passed by the trial Court vide which the petitioners have been released on interim bail and they have deposited the costs of Rs.30,000/- with the District Legal Services Authority, Ludhiana. Since, the petitioners have already put in appearance before the trial Court and a perusal of the order dated 18.11.2017 show that the petitioners have complied with the order dated 20.11.2017, this petition is allowed and the impugned order dated 03.04.2006 is set-aside.

(ARVIND SINGH SANGWAN)
JUDGE

11.12.2017
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No