

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

**CRM-M No.30646 of 2016
Date of Decision: 02.03.2017**

Balwinder @ Pappan

.....Petitioner

Versus

State of Haryana

... Respondent

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

Present:Mr. S.S. Mor, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J.(ORAL)

On 13.01.2017, following order was passed by this
Court:-

“Learned counsel for the petitioner contends that in pursuance of order dated 01.09.2016, petitioner has filed CRM-M No.31563 of 2016, challenging the order dated 08.11.2007 vide which petitioner was declared as proclaimed offender by the Judicial Magistrate, Ist Class, Panipat. Complainant party was comprising of six persons namely Raj Singh, Partap Singh, Nafe Singh, Krishan Kumar, Sahbo Devi and Sanjay Sarpanch. After registration of the FIR, except Raj Singh, statements of all the aforesaid persons were recorded under Section 161 Cr.P.C. No involvement of the petitioner was pleaded by the complainant party either in the FIR or in the aforesaid statements under Section 161

Cr.P.C. Thereafter, supplementary statements of Raj Singh and Sanjay Sarpanch were also recorded. In the said supplementary statements also involvement of the petitioner was not disclosed. After seven months of registration of the FIR, second supplementary statements of aforesaid Raj Singh and Sanjay Sarpanch were recorded in which involvement of the petitioner was shown for the first time.

Learned counsel alleged that the petitioner was declared proclaimed offender for the offences for which he could have been declared as proclaimed person only. The order was in violation of Section 82(4) of the Cr.P.C. The brother of the petitioner namely Manjeet Singh was also declared as proclaimed offender along with two more persons. Manjeet Singh was arrested. No recovery was effected from Manjeet Singh, nor any remand was obtained. There was no overt-act shown on behalf of Manjeet Singh and no other case was pending against him. Manjeet Singh was granted regular bail by this Court vide order dated 19.08.2016.

Adjourned to 02.03.2017.

In the meanwhile, petitioner is directed to appear before the trial Court on 18.01.2017. On his appearance, trial Court shall admit the petitioner on interim bail on his furnishing bail bonds/surety bonds to its satisfaction.”

Learned counsel for the petitioner has produced copy of order dated 18.01.2017. whereby the petitioner was admitted to bail by the Judicial Magistrate First Class, Panipat.

In view of aforesaid, order dated 13.01.2017 is made absolute. However, petitioner is directed to join the investigation as and when called by the Investigating Officer and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

02.03.2017	(RAJ MOHAN SINGH)
prince	JUDGE
Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No