

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

**CRM-M-33517-2017
Date of decision: 12.09.2017**

Itbari and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

Learned counsel for the petitioners contends that by order dated 24.01.2017 Shivam @ Shubham and Itbari were declared proclaimed person after recording the statement of the executing Constable.

It is argued that a bare reading of Annexure P-4 would reveal that the petitioners were not found at their residence and the statement of the neighbours would reveal that they had not been seen in the village for the last 3-4 months and, therefore, such affixation could not be deemed to be proper service. It is also argued that the main accused, namely, Ram Indri devi, mother-in-law and Avinash, husband of the deceased already stand acquitted by an order dated 12.11.2016 by the Addl. Sessions Judge, Panipat. It is further argued that the petitioners are ready to face trial, however, should not be arrested and pray for grant of interim protection.

I have heard learned counsel for the petitioners and also perused the judgment as well as Annexures P-4 & P-5.

Since the petitioners herein are ready to join proceedings against them under the said FIR, let them put appearance before the trial Court. They are directed to present themselves before the trial Court within three weeks from today. Arrest of the petitioners is stayed limited to three weeks. In case, they put in appearance before the trial Court within the stipulated period, then they are at liberty to move an application for setting aside the order dated 24.01.2017, declaring them proclaimed person. On appearance they be admitted to bail by the trial Court to its satisfaction.

Petition stands disposed of accordingly.

12.09.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.