

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

**CRM-M-36548-2017 (O&M)
Date of decision: - 30.10.2017**

Vipin Virdi

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Ms. Promila Nain, Advocate for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Learned counsel for the petitioner submits that in pursuance to the order dated 28.10.2017, petitioner has already appeared before the trial Court and has been granted concession of interim bail.

Challenge in the present petition is to the order dated 20.7.2017 vide which the petitioner was declared as a proclaimed person.

Learned counsel for the petitioner submits that petitioner was granted anticipatory bail by Additional Sessions Judge, Ludhiana vide order dated 20.8.2011 and since then petitioner was facing trial. However, on account of his non-appearance before the trial Court, it being a single default, as the petitioner was not maintaining good health, his bail bonds were forfeited and proceedings were initiated against him as a proclaimed person.

She further submits that there was no intention on the part of petitioner not to appear before the trial Court and the procedure adopted by the trial Court for declaring him as a proclaimed person under Section 82 Cr. P.C. was not properly followed as the petitioner was not served at his ordinary place of residence.

On the other hand, learned State counsel, on instructions from ASI Jasbir Singh has not disputed this fact that petitioner has appeared before the trial Court and has further submitted that subsequent to appearance of the petitioner two prosecution witnesses have also been examined in part and the next date fixed before the trial Court is 2.11.2017 for effecting the cross-examination. It is also not disputed that prior to impugned order dated 20.7.2017, petitioner has never absented on any date.

Keeping in view the submissions made by learned counsel for the parties, I deem it appropriate to set aside the order dated 20.7.2017 declaring the petitioner as a proclaimed person as he has already appeared and released on bail by the trial Court.

Since the petitioner has already appeared before the trial Court, trial Court is directed to conclude the trial expeditiously as FIR pertains to the year 2011.

Disposed of with aforesaid direction.

(ARVIND SINGH SANGWAN)
JUDGE

30.10.2017
preeti

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No