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

**CRM-M No.39921 of 2016
Date of Decision: 19.01.2017**

GURWINDER SINGH @ GARI & ORS

.....Petitioners

Vs

STATE OF PUNJAB

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjeev Manrai, Sr. Advocate with
Mr. Gaurav Talwar, Advocate
for the petitioners.

Mr. P.S. Ghuman, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioners have challenged the order dated 21.05.2015 passed by Judicial Magistrate Ist Class, Ludhiana whereby they have been declared proclaimed offenders.

At the time of issuance of notice of motion, following order was passed by this Court:-

"Petitioners have been declared proclaimed offenders on the basis of a proclamation issued under Section 82 Cr.P.C. on 8.4.2015, Annexure P4, requiring the petitioners to appear in the Court on 15.4.2015. The order declaring the petitioners proclaimed offenders is dated 21.5.2015 which indicates that the Court has not considered the fact that the petitioners did not have a clear

notice of 30 days to put in appearance before the Court which is a mandatory provision.

Notice to the Advocate General, Punjab, for 19.1.2017.

Meanwhile, operation of the impugned order dated 21.5.2015, declaring the petitioners as proclaimed offenders will remain stayed.”

Petitioners have also filed **CRM-M No.40917 of 2016** titled “**Gurwinder Singh @ Gari and Ors. Vs. State of Punjab and others**” before this Court for seeking grant of anticipatory bail and the same has been disposed of today itself, directing the petitioners to appear before the Investigating Agency for the purposes of joining investigation.

In view of above, this petition is also disposed of in the light of order passed in the aforementioned petition.

January 19, 2017

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No