

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

CRM-M No.42740 of 2016

Date of Decision: 23.01.2017

Satinderpal Aujla @ Satinder Singh

-Petitioner

VS

State of Punjab and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The petitioner was declared a proclaimed offender vide order dated 08.02.2012 in respect of a proclamation which was done on 29.12.2011.

Learned counsel for the petitioner contends that infact from 29.12.2011, 30 days clear notice was not given to the petitioner and the case was taken up on 02.01.2012 and, thereafter, it was further adjourned to 08.02.2012. In such

eventuality, a fresh proclamation should have been issued in view of ratio laid down in **Ashok Kumar vs State of Haryana and another, 2013 (4) RCR (Criminal) 550.**

Learned counsel further points out that the co-accused of the petitioner have since been acquitted by the High Court.

At this stage, without going into legality of the order dated 08.02.2012 passed by Judicial Magistrate Ist Class, Kapurthala, I am of the view that the petitioner can be directed to surrender before the trial Court. Petitioner is directed to appear before the trial Court on 02.02.2017. In the event of his doing so, he be released on bail subject to satisfaction of trial Court.

Disposed of.

23.01.2017

jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

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