

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

**CRM No.M-45559 of 2016 (O&M)
Date of Decision: March 07, 2017**

Karam Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajesh Punj, Advocate
for the petitioner.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Rakesh Chopra, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the order dated 21.07.2008 whereby petitioner was declared proclaimed offender in case FIR No.23 dated 08.02.2008 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Jagraon, District Ludhiana and all other subsequent proceedings.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the copy of the passport of the

petitioner has been placed on the record. These facts are not contested that petitioner went to Canada in the year 2006 and came to India only in the year 2016. There is nothing on the record to show that petitioner was ever personally served or the warrants etc. have been sent to Canada through Embassy. There is also nothing on the record to show that when the petitioner was declared proclaimed offender vide order dated 21.07.2008, he was having knowledge of these proceedings.

Keeping in view the fact that petitioner was having no knowledge of the proceedings till he was declared proclaimed offender and he has never been served nor any attempt was made to serve him at his residence where he was residing in Canada through Embassy etc., I find merit in the present petition and the same is allowed. The order dated 21.07.2008 passed by learned trial Court declaring the petitioner as proclaimed offender is set aside.

March 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No