

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

CRM No.M-8014 of 2016 (O&M)
Date of Decision: January 20, 2017

Yatinder Rajoria alias Yatinder Partap Rajoria

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.K.Goel, Advocate for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana for quashing the order dated 06.03.2014 declaring the petitioner proclaimed offender passed by learned JMIC, Faridabad in case FIR No.303 dated 12.12.2012 under Sections 420, 406, 467, 468 and 120-B IPC registered at Police Station Sarai Khawaja, Faridabad.

At the time of arguments, learned counsel for the petitioner mainly argued that in the report given by the police official, there is cutting on the date, therefore, 30 days have not been elapsed in between the publication of the proclamation and declaring proclaimed offender. He further argued that proforma of publication given in the Cr.P.C. has not been strictly applied.

I have heard learned counsel for the petitioner and have gone through the record.

I have also gone through the publication, copy of which is

the satisfaction of the Court that the accused Yatender Rajoria has absconded or is concealing himself to avoid the service of the warrant and also the fact that he is required to appear at Faridabad before the Court to answer the complaint on 6.3.2014 at 10.00 A.M. Annexure P-3 is the report of ASI Mahender Singh, who stated that he reached at the house of accused and proclamation was pasted at his house. One copy was pasted at the main bus stop and other pasted outside the Court. This report is dated 02.02.2014.

The Court recorded the statement of ASI, who proved his report Ex.P1. He stated that copy of the proclamation was pasted at given address of the accused and another copy was pasted at the conspicuous place. One copy was also pasted outside the Court and one copy is produced before this Court.

In view of the documents on record and the impugned order passed by the Court, I find that the accused did not appear as required in the publication after 30 days and there is nothing, at this stage, on the record to show that this proclamation has not been published as per law. Mere cutting on the date under the signatures of Mahender Singh will not vitiate whole proceedings. Furthermore, it does not create any doubt, as immediately after the cutting, the complete date has been written in the same handwriting.

Therefore, finding no merit in the present petition, the same is dismissed.

January 20, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No