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

CRM-M-9208 of 2017

Date of decision: March 17, 2017

Jagdish Kumar Sachdeva

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Veneet Sharma, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard.

It is not necessary to issue notice to the respondents since the controversy involved is short.

What is challenged is the impugned order dated 04.04.2015 (Annexure P-4) passed by the learned JMIC, Amritsar vide which the petitioner has been declared a proclaimed person. The only reason given in the said order is that the notice through Registered Post (AD) was sent to the petitioner which was received back and therefore, the petitioner was declared a proclaimed person. The procedure followed is clearly faulty and thus, the impugned order cannot be sustained.

That apart, the complaint case was filed by the sister of the petitioner against the petitioner regarding defamation under Section 500 of the Indian Penal Code, 1860. Looking to the nature of the offence in the complaint and looking to the fact that the learned

counsel for the petitioner, on instructions from the petitioner makes a categorical statement that the petitioner would appear before the trial Court, furnish bail bonds and cooperate with the trial Court for completing the trial. In my opinion, the petitioner should be allowed liberty instead of allowing to be called a proclaimed person. The ultimate purpose is to secure presence of the petitioner. In that view of the matter, I make the following order:

ORDER

- (i) CRM-M-9208 of 2017 is allowed;
- (ii) Impugned order dated 04.04.2015 (Annexure P-4) is set aside. The petitioner shall appear before the trial Court, furnish bail bonds to the satisfaction of the learned trial Court and shall continue to appear before the trial Court promptitude till the decision of the trial.

(A.B. CHAUDHARI)
JUDGE

March 17, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No