

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

CRM-M-1067-2018

Date of Decision: 03.10.2018

Kapil Aggarwal

...Petitioner

vs.

State of U.T.Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Deepanshu Mehta, Advocate
for the petitioner.

Mr. Rajiv Sharma, APP
for the respondent.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for setting aside the order dated 19.08.2017 (Annexure P1) vide which, the petitioner was declared a proclaimed offender in FIR No. 164 dated 13.04.2016.

Counsel for the petitioner submits that subsequent to passing of the impugned order, the petitioner has filed CRM-M-21843-2017 praying for anticipatory bail in which, on 04.10.2017, counsel for the petitioner had made a statement the petitioner would deposit an amount of Rs.18,00,000/- in this Court. Registry to accept the deposit and invest the same in Fixed Deposit.

Thereafter, the petitioner had filed the present petition praying for setting aside the impugned order dated 19.08.2017 declaring him a proclaimed offender.

Learned counsel for the petitioner submits that in the anticipatory bail application, subsequently on 28.09.2018, the petitioner has handed over a demand draft of Rs.18 lacs dated 27.09.2018 to the counsel

for the complainant and the anticipatory bail was confirmed. It is further submitted that in the intervening period, since the petitioner was regularly appearing before the Investigating Officer and joining the investigation, there was no intention on part of the petitioner to flee away from the process of justice and declaration of the petitioner as proclaimed offender was not in accordance with the procedure provided under Sections 82/83 of Cr.P.C. as the petitioner was never served with the proclamation at his ordinary place of residence.

Learned counsel for the U.T.Chandigarh, has not disputed the aforesaid facts.

In view of the fact that the anticipatory bail application filed by the petitioner already stands allowed vide order dated 28.09.2018, noticing the aforesaid fact(s), this petition is also allowed and the impugned order dated 19.08.2017 (Annexure P1), declaring the petitioner as a proclaimed offender, is set aside.

03.10.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No