

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

**CRM-M No.10774 of 2018  
Date of decision: 05.04.2018**

Mustak Ahmed and another

....Petitioners

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. Sarfraj Hussain, Advocate  
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this petition is for quashing of the order dated 28.09.2017 (Annexure P1) passed by the trial Court vide which the petitioners were declared as proclaimed persons in FIR No.53 dated 02.02.2016 registered under Sections 120-B, 166, 167, 193, 195, 196, 218, 219, 220, 230, 330, 342, 365, 489-A, 489-B of the Indian Penal Code (in short 'IPC') and 17 of the NDPS Act at Police Station Punhana, District Mewat.

Counsel for the petitioners has submitted that during the course of investigation, the petitioners were found innocent and, thereafter, vide impugned order dated 28.09.2017, they have been declared as proclaimed persons without effecting proper service on them. It is further submitted that the proclamation made under Section 82 Cr.P.C. was not effected at the ordinary place of residence of the petitioners. Counsel for the petitioners has also submitted that in

pursuance to the orders dated 21.12.2017 and 29.12.2017, the Additional Sessions Judge has granted interim anticipatory bail to the petitioners and they had joined the investigation, however later on, the said application was dismissed on the ground that the petitioners have failed to produce the car during the investigation.

Counsel for the petitioners has further submitted that in pursuance to the order dated 27.03.2018 passed in CRM-M No.3971 of 2018, the petitioners have handed over the possession of Swift car bearing No.HR74-A-2931 to the Investigating Officer.

Counsel for the State, on instructions from ASI Rajpal Singh, has not disputed the fact that the petitioners have handed over the car to the Investigating Officer.

In view of the above, this petition is allowed and the order dated 28.09.2017 declaring the petitioners as proclaimed persons is set-aside.

(ARVIND SINGH SANGWAN)  
JUDGE

05.04.2018  
*yakub*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |