

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

Hemlata
2018.03.16 16:17
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CRM-M-1520-2018(O&M)
Date of decision:15.03.2018.

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S.Sidhu, Sr. Advocate with
Mr. A.S.Sandhu, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 01.04.2017 passed by the trial Court declaring the petitioner as proclaimed person in FIR No.16 dated 29.01.2012 under Sections 188, 171-H IPC, registered at Police Station Bagha Purana, District Moga.

Learned Senior counsel for the petitioner submits that in pursuance to the order dated 16.01.2018, the petitioner has already appeared before the trial Court and has deposited the cost of Rs.15,000/- with the District Legal Services Authority, Moga and he has been released on interim bail on furnishing bail/surety bonds.

Learned Senior counsel for the petitioner further submits that the impugned order dated 01.04.2017 (Annexure P-3) passed by the trial Court declaring the petitioner as proclaimed person, was passed without following the proper procedure under Section 82 of the Cr.P.C. as no publication was made at the ordinary residence of the petitioner. During the investigation, the petitioner was found to be innocent person and thereafter, he has gone to Canada and therefore, he was not aware about the pendency of the proceedings before the trial Court. Learned Senior counsel further

submits that since the FIR pertains to the year 2012 and the petitioner is an NRI, the trial Court be directed to conclude the trial expeditiously as the co-accused who have faced trial have already been acquitted by the trial Court vide judgment dated 10.10.2017.

Learned State counsel, on instructions from ASI Angraj Singh, has not disputed the factual position.

Since the petitioner has already appeared before the trial Court and has been released on interim bail and in order to show his bona fide as he was declared innocent person by during the investigation, he was, later on, declared as proclaimed person without following the proper procedure, the present petition is allowed and the impugned order dated 01.04.2017 passed by the trial Court declaring the petitioner as proclaimed person is set aside. The trial Court is directed to conclude the trial expeditiously, within a period of two months from today.

(ARVIND SINGH SANGWAN)
JUDGE

15.03.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No