

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

Criminal Misc.No.M-17909 of 2017 (O&M)

Date of Decision : 23.03.2018

Satinder Kumar alias Bunty

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Manish Verma, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

Petitioner has preferred the instant petition under Section 482 Cr.P.C. read with Section 483 Cr.P.C. praying for quashing of entire proclamation proceedings including the mode and manner of the issuance of non-bailable warrants of arrest dated 08.08.2014, issued against the petitioner as well as setting aside the impugned order dated 15.01.2015, passed by the learned Addl. District & Sessions Judge, Panchkula in case FIR No.93 dated 13.07.2013, registered under Sections 148, 149, 307, 323, 341 and 506 IPC, at Police Station Raipur Rani, District Panchkula whereby the petitioner was declared innocent in final report (challan), however, has been summoned as an accused vide order dated 08.08.2014, passed by Addl. District & Sessions Judge, Panchkula under Section 319 Cr.P.C. on the application moved by complainant.

A bare perusal of the passport (Annexure P-3) transpires that the petitioner left India on 02.12.2013 and till date he is in foreign country.

However, FIR has been lodged on 13.07.2013 and during investigation he was exonerated and he was kept in column No.2 of the initial police report under Section 173 Cr.P.C. However, he was summoned in the year 2014 on the application under Section 319 Cr.P.C. and when he could not be served he was declared proclaimed offender. As the petitioner was not in India at the time of issuing proclamation and no other effort has been made to serve him on his address of Italy in due process of law, as such, impugned order dated 15.01.2015, vide which he had been declared as proclaimed offender, suffers from illegality and is not sustainable and the same is hereby set aside.

Accordingly, the instant petition stands disposed of.

23.03.2018
mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No