

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2230-2016

Date of decision: 06.02.2018

Rakesh Kumar

.... Petitioner

vs.

State of Punjab & Anr

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Isha Goyal, Advocate, for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN, J.(ORAL)

Prayer in this petition is for quashing of order dated 25.05.2013 passed by the trial Court declaring the petitioner as proclaimed offender and the order dated 13.02.2015 vide which the application filed by the petitioner for discharging was declined.

Vide order dated 22.01.2016, the petitioner was directed to appear before the trial Court and the trial Court was directed to release the petitioner on interim bail.

Counsel for the petitioner submits that the petitioner has already put in appearance before the trial Court and he is facing the trial.

It is further stated that the challan was presented against the co-accused. It is also stated that inquiry against the petitioner is pending and the petitioner was under bona fide impression that since he has found to be innocent, no further action was required, and therefore, he was not aware of the proceedings pending against him, for declaring him a proclaimed offender.

It is further submitted that the proclamation under Section 82 Cr.P.C. was not made at the ordinary place of residence of the petitioner. It is also submitted that co-accused of the petitioner has already been acquitted vide judgment dated 26.11.2013 (Annexure P8).

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This factual position is not disputed by the learned State counsel.

In view of the above, this petition is partly allowed. Order dated 25.05.2013 declaring the petitioner as proclaimed offender is set aside. However, counsel for the petitioner submits that she does not press the petition with regard to order dated 13.02.2015 and will take all the pleas/defences before the learned trial Court.

In view of the above, this petition is disposed of. Order dated 22.01.2016 is made absolute. However, it will be open to the petitioner to raise all the pleas/defences before the learned trial Court, in accordance with law.

06.02.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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