

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

**CRM-M-24212-2018 (O&M)
Date of Decision: 24.7.2018**

Aslam

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 of Code of Criminal Procedure for quashing order dated 16.2.2017 passed by learned Sub Divisional Judicial Magistrate, Bilaspur whereby petitioner Aslam with other co-accused has been declared proclaimed persons in FIR No.286 dated 10.12.2015 registered for offence punishable under Sections 279, 336, 307, 420, 427, 473, 120-B Indian Penal Code, Section 25 Arms Act, Section 13(2) of Haryana Gauravansh Sanrakshan and Gausamvardhan Act, 2015, Section 4B/8 of Punjab Prevention of Cow Slaughter Act, 1955 and Section 11 of Prevention of Cruelty to Animals Act, 1960.

Reply by way of affidavit of Rajender Kumar, Deputy Superintendent of Police, Jagadhri (Yamuna Nagar) on behalf of the State

has been filed in Court today which is taken on record.

The petitioner was declared proclaimed person vide order dated 16.2.2017 and the remaining three accused namely Afzal, Furkan and Yaseen were acquitted by learned Judge, Special Court, Yamuna Nagar vide judgment dated 20.11.2017.

A perusal of Annexure P-4 which is a public notice transpires that the proclamation was not on the prescribed proforma, rather it was a simple notice. Apart from it, it was not properly proclaimed. A bare perusal of Annexure P-3 transpires that its copy was affixed on the door of the house of the accused but was never publicly read out. The proper procedure under Section 82 of the Cr.P.C. is as under : -

“It shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides.”

Thus, there is a complete violation of Section 82 of Code of Criminal Procedure.

Keeping in view the above, the present petition is allowed and the impugned order dated 16.2.2017 is set aside.

July 24, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No