

254 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-28551-2018 (O&M)

Date of decision:03.12.2018.

Rajiv Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Nimarta Kaur, Advocate for
 Mr. Sunil Agnihotri, Advocate, for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Pranav Chadha, Advocate
for respondent No.5.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition under Section 482 of Criminal Procedure Code (for short 'Cr.P.C.') is for directing respondent No.3 to arrest the proclaimed offender i.e. accused/respondent No.4 and further direction be given to respondent No.2 to decide the complaint dated 05.04.2018 (Annexure P-8) of the petitioner.

Learned counsel for the State submits that the accused/respondent No.4 was arrested in this case and thereafter, he has been released on bail by the trial Court.

Vide previous order, Head Constable-Bhupinder Singh, who was deputed to effect service on accused/respondent No.4; was discharged from the present proceedings, in view of the affidavit filed by the Superintendent of Police/Investigation, Hoshiarpur; stating therein that the punishment has been effected upon the Head Constable Bhupinder Singh.

Since the report of the concerned Presiding Officer had not been received, therefore, the concerned Presiding Officer of the trial Court

was directed to furnish his/her explanation regarding his/her conduct in declaring a person as proclaimed offender; despite the fact that such a person happens to be a government employee working in the office of the Executive Engineer, RM Division, BBMB Talwara, District Hoshiarpur.

Now the report has been received from the concerned Presiding Officer, wherein, it is stated that in fact, the Court was misguided by the above said Head Constable-Bhupinder Singh because he had reported to the Court that accused-Ashok Kumar was not working in the office of Executive Engineer, RM Division, BBMB Talwara.

This Court finds the explanation submitted by the concerned Presiding Officer as satisfactory.

In view of the above, no further orders are required in this case.

Disposed of.

(RAJBIR SEHRAWAT)
JUDGE

03.12.2018

Hemlata

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No