

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

CRM-M-3541 of 2017.

Decided on:-September 05, 2018.

Sanjay.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the impugned order dated 03.01.2017 (Annexure P-7) passed by learned Chief Judicial Magistrate, Karnal, whereby the petitioner was declared as a proclaimed person.

Learned counsel for the petitioner has argued that as per the very FIR, the address of the petitioner-accused has been shown as "M/s Sawan Security, 23 Defence Colony, Hisar", but while passing the impugned order, learned Magistrate had taken into consideration the report dated 28.11.2016 submitted by ASI Parveen Kumar, whereby service of notice under Section 82/83 Cr.P.C. on the petitioner-accused has been shown to be effected at "H. No.449-50, Friends Colony, Hisar".

He further contends that once the petitioner was not served at the given address, the very order declaring the petitioner as a proclaimed person is illegal.

On the other hand, learned State counsel, on instructions from ASI Manjoor Ali has not been able to satisfy this Court as to in what circumstances, the service of the petitioner was effected at “H. No.449-50, Friends Colony, Hisar”, when in the FIR, his address has been shown as “M/s Sawan Security, 23 Defence Colony, Hisar”.

At this stage, learned counsel for the petitioner states that even otherwise, the petitioner has surrendered before the trial Court, admitted on bail and is facing the trial.

Having heard learned counsel for the parties and perusing the report dated 28.11.2016 made by ASI Parveen Kumar, it is apparent that the service of notice under Section 82/83 Cr.PC was shown on the address i.e. House No.449-50, Friends Colony, Hisar, but in the FIR, there is a clear recital that the address of the petitioner is “M/s Sawan Security, 23 Defence Colony, Hisar”.

Thus, this Court finds that the petitioner was not served on the proper address and in this manner, the impugned order dated 03.01.2017 (Annexure P-7) passed by learned Chief Judicial Magistrate, Karnal, whereby the petitioner was declared as a proclaimed person, is not sustainable in the eyes of law.

Therefore, the present petition is allowed and the order dated 03.01.2017 (Annexure P-7) passed by learned Chief Judicial Magistrate, Karnal, is set aside.

However, the petitioner shall continue to appear before the trial Court to face the trial in accordance with law.

September 05, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No