

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

**CRM-M-38542-2017 (O&M)
Date of decision: 16.03.2018**

Parmod Arora

... Petitioner

Vs.

State of Punjab and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. S.S. Dalal, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 07.12.2016 (Annexure P-3) passed by the trial Court, vide which the petitioner has been declared a proclaimed offender.

As per the report submitted by the Mediator, no settlement could be arrived at between the parties.

Learned counsel for the petitioner submits that in pursuance of the order dated 12.10.2017, the petitioner has already appeared before the trial Court and he has been released on interim bail and is facing the trial. It is further submitted that the petitioner was never served in the case and the impugned order, declaring him a proclaimed offender, was passed by the trial Court without following the proper procedure under Section 82 Cr.P.C., as the proclamation was not made at the ordinary place of residence of the petitioner and he was never served with the summons.

Since the petitioner has already appeared before the trial Court and is facing the trial, present petition is allowed and the order dated 07.12.2016 declaring the petitioner as proclaimed offender is set aside, however, subject to payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Ludhiana.

[ARVIND SINGH SANGWAN]
JUDGE

16.03.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No