

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-39788-2017

Date of Decision: 05.07.2018

Bhagwan Singh

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Garg, Advocate for
Mr. Vivek Goel, Advocate
for the petitioner.

Ms. Simran Grewal Randhawa, AAG, Punjab

ARVIND SINGH SANGWAN, J. (Oral):

On 25.10.2017, the following order was passed:-

“Prayer in this petition is for quashing of FIR No.13 dated 17.01.2015 registered under Sections 326, 324 read with Section 34 IPC at Police Station Nihal Singh Wala, District Moga (Annexure P1) and order dated 21.08.2015 (Annexure P3) passed by the Sub- Divisional Judicial Magistrate, Nihal Singh Wala vide which the petitioner was declared as proclaimed offender.

Counsel for the petitioner, at the very outset, submits that he restricts his arguments only qua challenging the order dated 21.08.2015 (Annexure P3).

Counsel for the petitioner has submitted that the petitioner has filed an application seeking anticipatory bail before the Additional Sessions Judge, Moga and the Investigating Officer namely SI Pal Singh had made a statement before that Court that the petitioner – Bhagwan Singh is not an accused in this case and, therefore, the application of the petitioner was withdrawn vide order dated 10.04.2015 and anticipatory bail was granted to other co-accused. Counsel for the petitioner has further submitted that later on, the proceedings under Section 82 Cr.P.C. were

initiated against the petitioner and the publication was made at a wrong address in village Himmatpura whereas the petitioner is a resident of village Singha Wala. Counsel for the petitioner has relied upon the Aadhar Card of the petitioner (Annexure P4) as well as Ration Card (Annexure P5) to show that he is an ordinary resident of village Singha Wala and, therefore, without following the proper procedure i.e. effecting the service of proclamation on the petitioner at his wrong address, he has been declared as proclaimed offender.

Counsel for the petitioner has further submitted that 02 of the co-accused namely Harjit Singh @ Boda and Satvir Singh @ Neetu Singh faced the full length trial and the trial Court vide its judgment dated 02.12.2016 has acquitted them. It is further submitted by counsel for the petitioner that the petitioner is ready to appear before the trial Court and face the proceedings, in accordance with law.

Notice of motion for 23.01.2018.

In the meantime, the petitioner is directed to appear before the trial Court and the trial Court will release the petitioner on interim bail on his furnishing bail/surety bonds.”

Learned counsel for the petitioner submits that in pursuance to the above said order, the petitioner has already appeared before the trial Court on 14.11.2017 and was released on interim bail.

Learned State counsel, on instructions from HC Gurcharan Singh, has not disputed the factual position.

In view of the same, the present petition is allowed. Order dated 21.08.2015 (Annexure P3) declaring the petitioner as proclaimed offender is set aside. The trial Court is directed to proceed further in the trial and decide the same in accordance with law.

(ARVIND SINGH SANGWAN)
JUDGE

05.07.2018
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Whether speaking/reasoned : Yes/No.

Whether Reportable : Yes/No