

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

CRM-M-43265-2018

Date of decision: December 03, 2018

Rajdeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. A.G.S. Dhillon, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab assisted by
HC Prem Singh.

RAJ SHEKHAR ATTRI, J.(ORAL)

The petitioner has preferred the instant petition under Section 438 of Code of Criminal Procedure, for grant of anticipatory bail in case FIR No.167 dated 20.05.2008, registered under Sections 382, 341, 506, 34 of the Indian Penal Code at Police Station Division No.6, Jalandhar.

Learned counsel for the petitioner has relied upon the copy of passport which transpires that on the date of occurrence i.e. 19.05.2008, petitioner has left the country and had gone to America from where he returned only this year on 11.05.2008. In the absence, he was declared proclaimed offender. After leaving the country, his name was arrayed on the basis of supplementary statement. He was declared proclaimed offender and now he has joined the investigation.

This court has also gone through the supplementary statement dated 23.05.2008 of the complainant-Harmanpreet Singh Makkar but nothing has been made out against the petitioner. Learned trial court failed

to follow due process of law as required. No proper service of the petitioner had been got conducted under the provisions of Section 82 of the Code of Criminal Procedure for declaring him proclaimed offender.

In this view of the matter, impugned order dated 13.09.2018 is not sustainable in the eyes of law and the same is *set aside* and the interim order dated 01.10.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(RAJ SHEKHAR ATTRI)
JUDGE

December 03, 2018

m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No