

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

**CRM-M-42966-2017(O&M)
Date of decision: 09.01.2018**

Sukhwinder Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of order dated 08.09.2017 (Annexure P-1) vide which the petitioner has been declared proclaimed offender and further a direction has been issued to SHO, Police Station City, Kapurthala, District Kapurthala for registration of a case under Section 174(A) IPC.

Counsel for the petitioner submits that the petitioner has already surrendered before the trial Court and he is in judicial custody. Counsel for the petitioner further submits that when the proceedings under Section 82/83 Cr.P.C. were initiated, the petitioner had applied for anticipatory bail to pursue his legal remedy. However, in the meantime, the impugned order has been passed declaring him proclaimed offender. Counsel for the petitioner further submits that no proper proclamation at the ordinary place of residence of the petitioner was issued and therefore, the proceedings initiated against him are liable to be set aside. It is further submitted that till date, no FIR under Section 174(A) IPC has been registered in pursuance to the order dated 08.09.2017.

Since, the petitioner has already been arrested by the police and he is in judcial lock up, in case an FIR is registered in pursuance to the impugned order, the petitioner will have to face yet another prosecution.

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

In view of the same, the present petition is allowed. The impugned order dated 08.09.2017 is set aside.

(ARVIND SINGH SANGWAN)
JUDGE

09.01.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No