

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

**Criminal Misc.No.M-43659 of 2017 (O&M)
Date of Decision : 29.01.2018**

Rahul

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

Petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of impugned order dated 03.10.2017, passed by the learned Sub Divisional Judicial Magistrate, Siwani vide which the petitioner has been wrongly declared as proclaimed person in case FIR No.81 dated 12.05.2017, registered under Sections 147, 148, 149, 302, 323, 379-B and 120-B IPC at Police Station City Siwani, District Bhiwani.

It has been contended that petitioner Rahul was declared proclaimed person on 03.10.2017 whereas he moved an application for grant of anticipatory bail before the Sessions Court Bhiwani on 11.09.2017.

To the mind of this Court, the petitioner did not surrenders before the Court concerned and mere filing an application for grant of anticipatory bail is no ground to quash the impugned order (Annexure P-2).

Accordingly, the instant petition stands dismissed. However,

the petitioner is directed to surrender before the learned trial Court within 10 days and move an application for grant of bail. On doing so, the application for grant of bail shall be decided in accordance with law.

However, learned counsel for the petitioner has contended that the petitioner has been declared proclaimed person instead of proclaimed offender.

To the mind of this Court, the petitioner is facing allegations for the offence punishable under Sections 147, 148, 149, 302, 323, 379-B and 120-B IPC, thus, he be treated as proclaimed offender instead of proclaimed person.

29.01.2018
mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No