

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on: 16.05.2018

1. CRM-M No.46789 of 2017 (O&M)

Harjeet Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

2. CRM-M No.46296 of 2017 (O&M)

Harjeet Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sanjiv Gupta, Advocate
for the petitioner (in both the petitions)

Mr. Abhay Pal Singh Gill, AAG, Punjab.
(in both the petitions)

ARVIND SINGH SANGWAN, J.

CRM No.39584 of 2017 in CRM-M No.46789 of 2017

Heard.

Allowed as prayed for.

Annexures P2 and P3 are taken on record subject to all just
exceptions.

CRM-M No.39250 of 2017 in CRM-M No.46296 of 2017

Heard.

Allowed as prayed for.

Annexures P2 and P3 are taken on record subject to all just

exceptions.

MAIN CASES

Vide this common order, I intend to dispose of 02 petitions i.e. CRM-M Nos.46789 and 46296 of 2017, as common questions of law and facts are involved for adjudication.

Prayer in petition i.e. CRM-M No.46789 of 2017 is for quashing of the order dated 14.06.2017 (Annexure P4) passed by the trial Court vide which the petitioner has been declared as proclaimed offender, however, prayer in another second petition i.e. CRM-M No.46296 of 2017 is for grant of anticipatory bail to the petitioner in FIR No.121 dated 03.09.2016 registered under Section 307 read with Section 34 IPC at Police Station Sadar Patiala, District Patiala.

Vide order dated 08.12.2017 passed in CRM-M No.46789 of 2017, notice of motion was issued for 27.02.2018, noticing the fact that the petitioner is a resident of village Bahadurgarh, District Patiala and when the P.O. proceedings were initiated, no notice or summons were sent to his ordinary place of residence and the same were sent to village Sahib Nagar, District Patiala and, therefore, the petitioner was not aware of the proceedings initiated against him.

Vide order dated 08.12.2017 passed in CRM-M No.46296 of 2017, the petitioner was directed to appear before the Investigating Officer and join the investigation subject to the conditions envisaged under Section 438(2) Cr.P.C.

Counsel for the petitioner has submitted that the petitioner, in pursuance to the order dated 08.12.2017, has already appeared before

the Investigating Officer and has joined the investigation.

On the other hand, counsel for the State, on instructions from ASI Sukhdev Singh, has not disputed the factual position and submitted that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the order dated 14.06.2017 (Annexure P4) declaring the petitioner as proclaimed offender is set-aside and the order dated 08.12.2017 passed in CRM-M No.46296 of 2017 granting anticipatory bail to the petitioner is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

16.05.2018
yakub

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