

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

Smriti
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**CRM-M-47322-2017 (O&M)
Date of Decision: 08.05.2018**

Arun Tirpathi

...Petitioner

V/S

State of Haryana and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral):

Prayer in this petition is for quashing of order dated 25.10.2016 (Annexure P2) passed by the trial Court, vide which the petitioner has been declared as a proclaimed person.

Counsel for the petitioner has relied upon the interim orders (Annexure P1 colly) passed by the trial Court to submit that the petitioner was not served with the summons or with the proclamation as the petitioner is the resident of Distrcit Fatehabad and the trial Court has not recorded its satisfaction in the impugned order that the petitioner is evading his appearance before the trial Court.

Counsel for the petitioner further submits that vide order dated 20.02.2018 passed in CRM-M-44317-2017, the petitioner has already appeared before the trial Court and has been granted interim bail. He further submits that the petitioner is presently facing the trial.

Reply on behalf of respondent No.1-State has been filed in Court today and the same is taken on record.

Learned State counsel could not rebut the factual position as stated by learned counsel for the petitioner.

In view of the same, this petition is allowed. Since the petitioner has already appeared before the trial Court, the impugned order dated 25.10.2016 (Annexure P2) is set aside.

**(ARVIND SINGH SANGWAN)
JUDGE**

08.05.2018

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Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No