

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

Decided on: 02.02.2018

1. CRM-M No.6201 of 2016

Surpreet Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

2. CRM-M No.46093 of 2016

Harpal Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Dhiraj Chawla, Advocate
for the petitioners (in CRM-M-6201-2016)

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

Mr. Aminder Singh, Advocate
for the complainant (in CRM-M-6201-2016)
and for the petitioner (in CRM-M-46093-2016)

ARVIND SINGH SANGWAN, J. (Oral)

Vide this common order, I intend to dispose of two petitions i.e. CRM-M Nos.6201 and 46093 of 2016 as common questions of law and facts are involved for adjudication.

CRM-M No.6201 of 2016

Prayer in this petition is for setting-aside the order dated 19.01.2016 (Annexure P4) vide which the petitioners have been

declared as proclaimed persons in FIR No.68 dated 17.08.2015 registered under Sections 307 (deleted), 324, 323, 148, 149 IPC at Police Station Sadar, Sangrur, District Sangrur.

Counsel for the petitioner has submitted that initially the aforesaid FIR was registered under Section 307 IPC which was later on deleted. The petitioners have filed CRM-M Nos.35644 of 2015, 2812 of 2016 and 42074 of 2015 seeking anticipatory bail. This Court vide order dated 01.02.2016, noticing the fact that since Section 307 IPC has been deleted, granted liberty to the petitioners to avail the remedy of bail, in accordance with law and further directed that in case the prosecution agency decides to present the challan under Section 307 IPC or the investigation agency arrives at a conclusion that Section 307 IPC prima facie is made out, the petitioners will be issued a notice of seven days in order to enable them to avail legal remedy in accordance with law.

Counsel for the petitioners has further submitted that later on when Section 307 IPC was again added, the petitioners again filed anticipatory bail application and vide order dated 17.07.2017 passed in CRM-M No.14331 of 2017, the petitioners were granted anticipatory bail. It is, thus, submitted on behalf of the petitioners that when the impugned order declaring the petitioners as proclaimed persons was passed on 19.01.2016, they were not aware of the proceedings initiated before the trial Court as the petitioners were already on interim bail at that particular time. It is further submitted that even the proclamation made under Section 82/83 Cr.P.C. was not made at the ordinary place of

residence of the petitioners. Counsel for the petitioners has further submitted that the petitioners are ready to appear before the trial Court and apply for fresh bail.

CRM-M No.46093 of 2016

Prayer in this petition is for issuance of directions to respondents No.2 and 3 to submit the final report under Section 173 Cr.P.C. in accordance with law in the aforesaid FIR.

Counsel for the State, on instructions from ASI Gurmail Singh, submits that the challan is ready and the same will be presented before the trial Court within a period of one week from today.

In view of the above, the order dated 19.01.2016 (Annexure P4) declaring the petitioners as proclaimed persons is set-aside and the petitioners are directed to appear before the trial Court on or before 16.02.2018 and the trial Court will release the petitioners on bail subject to their furnishing bail/surety bonds. It is also directed that the Investigating Officer shall also submit the report under Section 173 Cr.P.C. in the Court, on or before 16.02.2018.

Disposed of accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

02.02.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No