

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

**CRM-M-49375-2017
Date of decision: 02.05.2018**

Adrash Kumar

...Petitioner

Versus

U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Bipan Ghai, Sr. Advocate, with
Mr. Paras Talwar, Advocate
for the petitioner.

Dr. Sukant Gupta, Addl. P.P., U.T., Chandigarh.

Mr. D.S. Gandhi, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been filed under Section 482 of Cr.P.C., seeking to quash the order dated 30.11.2017 whereby the petitioner has been declared as a proclaimed person in case FIR No.17 dated 24.02.2017, under Sections 406 & 498-A of the Indian Penal Code, registered at Police Station Women Cell, Sector 17, Chandigarh.

Mr. Bipan Ghai, learned Sr. Advocate, assisted by Mr. Paras Talwar, Advocate appearing on behalf of the petitioner submits that the order so passed by which he was declared as a proclaimed person is not sustainable on account of the fact that there is non-compliance of Section 82 Cr.P.C. In fact, the petitioner herein left for Ireland on 31.10.2016 whereas the instant FIR was registered on 24.02.2017. He only arrived back in India on 30.12.2017, by the time he was declared as a proclaimed person.

Learned counsel appearing on behalf of the respondent-State and the complainant submit that the petitioner herein could not be entitled to any relief on account of the fact that service was effected on his last known address and, therefore, service had rightly been effected upon him.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has put in appearance before this Court and also submitted his passport with the Investigating Officer in the Police Station Women Cell, there is no chance of him absconding. It is also noted that the petitioner was not a resident in India at the time when the FIR was registered.

In the totality of the circumstances, since the petitioner is ready to face trial, the petition is allowed and the impugned order is set aside.

In the meantime, arrest of the petitioner is stayed for a period of ten days and he is directed to appear before the trial Court and furnish bail bonds and on doing so the trial Court shall release him on bail subject to its satisfaction. Needless to say that in case the petitioner does not appear before the trial Court within the stipulated period of ten days any interim protection granted today shall stand automatically vacated.

02.05.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.