

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

**CRM-M-53221-2018 (O&M)
Date of Decision: 3.12.2018**

Sukhwinder Singh @ Laddu

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 of Code of Criminal Procedure (in short, "Code") for setting aside order dated 6.8.2004 passed by learned Judicial Magistrate, 1st Class, Hoshiarpur whereby the petitioner has been declared proclaimed offender in FIR No.61 dated 3.4.2003 registered for offences punishable under Sections 323, 324, 148, 149 of Indian Penal Code (326 IPC added later on).

Learned counsel for the petitioner has placed on record photocopy of the passport which transpires that he left India on 5.9.2003. In his absence, he was summoned through non-bailable warrants but he could not appear and was declared proclaimed offender. Apart from it, it is contended that proper procedure as laid down under Section 82 Cr.P.C. has not been followed.

It has further been submitted that the remaining accused after trial have already been acquitted vide judgment dated 1.2.2005.

Prima facie, it is made out that the petitioner was not in India when proclamation was issued.

In this view of the matter, impugned order dated 6.8.2004 (P-3) is set aside and the petitioner is directed to appear before the learned trial Court within 7 days and on his doing so, he be released on interim bail subject to the satisfaction of the learned trial Court.

Disposed of.

December 3, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>