
CRM-M-6601-2018

Date of decision: 20.03.2018.

Vishal Pamma

..... Petitioner.

VS.

State of Punjab

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN,J.(ORAL)

Prayer in this petition is for setting aside the order dated 20.11.2015 (Annexure P3), passed by the trial Court declaring the petitioner as a proclaimed offender in FIR No. 143 dated 22.09.2011 for offence under Sections 452, 323, 34 and 325 IPC (added later on), registered at Police Station Phillaur, District Jalandhar.

Vide order dated 16.02.2018, the petitioner was directed to appear before the trial Court and the trial Court was directed to release the petitioner on interim bail on his furnishing bail/surety bonds subject to payment of costs of Rs.15,000/- to be deposited with the District Legal Services Authority, Jalandhar, for causing the delay of decision of the trial.

Counsel for the petitioner has submitted that vide order dated 09.03.2018, the petitioner has already appeared before the trial Court and deposited the costs of Rs. 15,000/- and he has been released on interim bail and is facing the trial. Certified copy of the order dated 09.03.2018 is also placed on record.

Counsel for the petitioner further submits that the petitioner was not residing on the address given in the FIR and, thereafter, while passing the impugned order, the trial Court has not properly followed the procedure under Section 82 of Cr.P.C. i.e. neither the summons were issued nor any proclamation was made at the place of residence of the petitioner. It is further submitted that the co-accused of the petitioner has already been acquitted by the trial Court vide judgment dated 03.01.2017 (Annexure P2) and, therefore, the impugned order be set aside as the petitioner has already appeared before the trial Court and is facing the trial.

The learned State counsel, on instructions from ASI Daljeet Singh, has not disputed the factual position that the petitioner is now facing trial.

After hearing counsel for the parties, I find merit in the present petition to set aside the impugned order dated 20.11.2015 declaring the petitioner a proclaimed offender as proper service was not effected at his ordinary place of residence; in view of the fact that co-accused of the petitioner has already been acquitted by the trial Court; the petitioner has already appeared before the the trial Court and has been released on interim bail on payment of costs of Rs.15,000/- for causing the delay in disposal of the case.

In view of the above, the present petition is allowed. The impugned order dated 20.11.2015 passed by the trial Court is, hereby, set aside.

20.03.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

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