

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
22.09.2018
Attest to the accuracy and
integrity of this document

CRM-M-7960-2018

Date of Decision: 26.09.2018

Balbir Singh

...Petitioner

vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Deepak Aggarwal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for setting aside the order dated 19.12.2017 (Annexure P4), vide which, the petitioner was declared a proclaimed person and a direction was issued to register FIR under Section 174-A of IPC.

On 23.02.2018, the following order was passed:-

“Counsel for the petitioner contends that the address which has been given in the complaint filed under Section 138 of the Negotiable Instruments Act is not the correct address of the petitioner. He contends that notices and the proclamation were issued at the address which is mentioned in the complaint which not being the correct address, the petitioner was never served. He, thus, submits that the order dated 19.12.2017 (Annexure P-4) declaring the petitioner a proclaimed offender and all consequential proceedings arising therefrom deserve to be quashed. Counsel for the petitioner further states that the petitioner is ready and willing to surrender to the jurisdiction of the trial Court and would appear on 08.03.2018 which is the date now fixed.

Notice of motion for 20.04.2018.

Dasti as well.

In case the petitioner appears before the trial Court on 08.03.2018 and moves an application for grant of regular bail, the said application shall be considered and the bail bonds be accepted and the petitioner be released on interim bail to the satisfaction of the trial Court.”

Learned counsel for the petitioner has placed on record certified copy of the order dated 08.03.2018, vide which, the petitioner was released on interim bail. Counsel further submits that the petitioner is regularly appearing in the trial. He also placed on record certified copy of order dated 30.03.2018 passed by SDJM, Phul, in which the petitioner has been granted bail in FIR No. 173 dated 21.12.2017 registered under Section 174-A of IPC at Police Station Phul.

Counsel for the petitioner further submits that when the process under Sections 82/83 of Cr.P.C. was issued, the petitioner was never served on his address as the same was issued on a wrong address.

Learned State counsel, on instructions from H.C.Jaswinder Singh, has not disputed the aforesaid fact.

Since the petitioner has already appeared before the trial Court and released on interim bail, the present petition is allowed. Order dated 19.12.2017 is set aside and order dated 23.02.2018 granting interim bail to the petitioner is made absolute.

26.09.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

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