

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2834-2019 (O&M)

Date of decision-15.07.2019

Bhola Singh

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Dhaliwal, Advocate for the applicant-petitioner.

MANOJ BAJAJ, J.

CRM-20913-2019

Application is allowed as prayed for.

Annexure P-3 is taken on record subject to all just exceptions.

Main case

Petitioner-Bhola Singh has filed this petition under Section 482 Cr.P.C for quashing of the order dated 10.12.2018 (Annexure P-1) whereby he has been declared as a proclaimed person in complaint No. COMI/3/2018 dated 23.09.2011 registered under Sections 420, 406, 467, 468, 471, 389, 365, 323 and 120-B Indian Penal Code.

Learned counsel for the petitioner contends that in a complaint brought by respondent No.2, the process was issued under Section 204 Cr.P.C against four persons, however, none of them was served and the complainant had withdrawn his complaint in respect of accused Nos.3 and 4, namely, Natha Singh and Gurtej Singh. Learned counsel further contends

that accused No.1 (petitioner) and accused No.2, namely, Ranjit Singh were not served for want of correct address and the Court had directed the complainant to furnish the same in order to facilitate the service vide its order dated 25.09.2018. The said order was reiterated on the next date i.e. 06.10.2018.

It is pointed out that the complaint in respect of accused No.2 Ranjit Singh was dismissed on the ground of non-compliance of the said order on 12.10.2018, whereas fresh summons were issued against petitioner No. 1 on the strength of the affidavit filed by the complainant who submitted that address of the accused Bhola Singh given in the complaint was correct. Learned counsel further contends that once the Court was satisfied that the address of petitioner given by the complainant was not correct, it was improper for placing reliance upon the said affidavit without any convincing material. It is contended that the petitioner was never served and therefore, the proclamation proceedings against him were illegal and against the procedure contained in Cr.P.C. He further submits that the petitioner is ready and willing to participate in the proceedings.

I have heard learned counsel for the petitioner and perused the case file carefully. A perusal of the zimni orders reveal that except in the affidavit of the complainant, there is nothing to indicate that the correct address was either furnished or the service was effected upon the petitioner.

Considering the nature of the relief sought by the petitioner and the background of this case, at this stage, this Court does not deem it appropriate to summon the complainant to contest the petition.

In view of above, it is ordered that in case the petitioner appears before the trial Court on or before 07.08.2019, the trial Court shall admit him on regular bail subject to his furnishing requisite bail bonds and surety bonds to its satisfaction and proceed with the complaint case in accordance with law. In case the complainant is aggrieved of the order of the Court that there is material concealment on the part of the petitioner, it will be open for him to file an application for recalling this order.

Disposed off.

(MANOJ BAJAJ)
JUDGE

15.07.2019
vanita

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