

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

CRM-M No. 8660 of 2019
Date of decision : May 01, 2019

Basant Singh

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Gupta, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab

Ajay Tewari, J (Oral)

Prayer in this petition is for quashing of the order dated 20.11.2018, Annexure P-3, declaring the petitioner as proclaimed offender in case FIR No.002, dated 4.1.2015, registered under Sections 323, 324, 326, 506, 148, 149 of the IPC, at Police Station Dasua, District Hoshiarpur.

The precise case of the petitioner is that originally the offences which were incorporated against the petitioner were bailable and no action was taken by the police. In normal course, the petitioner went abroad where he was working as a taxi driver and in the meanwhile, offence under Section 326 of the IPC was added after three and half years of the lodging of the FIR. The other co-accused who were in India were granted anticipatory bail on 30.6.2018 but the petitioner was declared proclaimed offender vide the impugned order because of the fact that he was abroad and

had no knowledge about this fact.

Learned DAG Punjab, on instructions from ASI Paramjit Singh, has verified that at the time when Section 326 of the IPC was added, the petitioner indeed abroad.

In the circumstances, I have no hesitation in holding that the impugned order is illegal. Consequently, this petition is allowed and the impugned order is set aside.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 01, 2019
'kk'

(AJAY TEWARI)
JUDGE

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