

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-18941 of 2016 (O&M)

Date of Decision: September 10, 2019

Samarjeet SinghPetitioner

Vs.

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

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Present:- Mr.Aman Pal, Advocate for the petitioner
Mr.Arun Beniwal, DAG, Haryana.
Mr.Piyush Aggarwal, Advocate for the complainant.

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MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 15.09.2015 passed by learned Additional Sessions Judge, Gurgaon vide which the revision petition filed by the petitioner against the order dated 18.03.2014 rendered by Learned Judicial Magistrate Ist Class, Gurgaon, (for short 'JMIC') declaring the petitioner as proclaimed person, has been dismissed.

Learned counsel for the petitioner contends that in terms of the order dated 20.05.2019, petitioner has already deposited the amount of Rs.2.5 lacs as costs and also joined the proceedings before the learned trial Court. Further contends that there was no proper proclamation, therefore, the impugned order is liable to set aside.

The above factual position regarding deposit of costs as well as joining the proceedings before the learned trial Court have been duly acknowledged by learned State counsel as well as learned counsel for the complainant.

Paper book reveals that on 30.11.2013 police official visited the house of the petitioner for publication of proclamation under Section 82 Cr.P.C. but he was told by the neighbourers that petitioner usually does not come to his house and the copies of the publication was put up at a public place near his house. It is the specific case of the petitioner that he is residing at House No. 17, Sector 17, Gurugram, thus the proclamation made against the petitioner cannot be termed as legally tenable in terms of Section 82 (2) Cr.P.C. Still further, the report dated 30.11.2013 has been prepared in three different handwritings and thus, possibility of over-writing also cannot be ruled out.

Concededly, the petitioner has already deposited an amount of Rs.2.5 lacs as costs in compliance of the order dated 20.05.2019 with the Office of District Education Officer, Nuh and has also joined the proceedings before the learned trial Court.

In view of the facts and circumstances discussed hereinabove, this Court has no option except to allow the present petition and set aside the impugned orders dated 15.09.2015 passed by learned Additional Sessions Judge, Gurgaon as well as order dated 18.03.2014 of Learned JMJC.

Consequently, the present petition is allowed. Impugned order dated 15.09.2015 passed by learned Additional Sessions Judge, Gurgaon and order dated 18.03.2014 passed by Learned JMJC are hereby set aside and order passed by this Court on 20.05.2019 is made absolute.

September 10, 2019
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

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