

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM 26377 of 2019 in /and
CRM M-24082 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.

CRM 26377 of 2019

Application for placing on record copy of receipt dated 21.05.2019 vide which an amount of Rs.2.5 lacs has been deposited by the petitioner with District Education Officer, Nuh vide Demand Draft No.355521 dated 21.05.2019 drawn on Central Bank of India, IMT, Manesar, is allowed as prayed for subject to all just exceptions.

Registry is directed to tag the same at the appropriate place.

CRM-M 24082 of 2016

Present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 25.08.2015 passed by learned

Additional Sessions Judge, Gurgaon vide which the revision petition filed by the petitioner against the order dated 25.1.2014 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 25.08.2015 passed by learned Additional Sessions Judge, Gurgaon as well as order dated 25.1.2014 of Learned JMIC.

Consequently, the present petition is allowed. Impugned order dated 25.08.2015 passed by learned Additional Sessions Judge, Gurgaon and order dated 25.1.2014 passed by Learned JMIC 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.