

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

CRM-M-31976-2017 (O&M)

Date of decision: 23.07.2019

Rajbir Singh

... Petitioner

Vs.

State of Punjab and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G.S. Bhatia, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 26.04.2017 passed by the trial Court in FIR No.17 dated 30.03.2016 under Sections 420, 406, 370, 34 IPC read with Sections 10/24/26 of Immigration Act, Police Station Fatehgarh Churian, District Batala, vide which the petitioner has been declared as proclaimed offender and all the subsequent proceedings arising therefrom.

On 21.12.2017, following order was passed by this Court: -

“.... Learned counsel for the petitioner inter alia contends that the petitioner was not in the country after registration of the aforesaid FIR as he had left the country on 07.12.2015. He was never served under Section 82 Cr.P.C., therefore, has wrongly been declared as proclaimed offender.

Notice of motion for 22.1.2018.

In the meantime, petitioner is directed to appear before the trial Court and would be released on interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court....”

Learned counsel for the petitioner submits that the petitioner has already appeared before the trial Court and is facing the trial.

Learned State counsel, on instructions from the Investigating Officer and assisted by learned counsel for respondent No.2-complainant, has not disputed the aforesaid factual position.

In view of the above, this petition is allowed. The impugned order dated 26.04.2017 passed by the trial Court, vide which the petitioner has been declared as proclaimed offender is set aside and the order dated 21.12.2017 passed by this Court is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

23.07.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No