

262-A

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

CRM-M-46139-2018

Date of Decision:21.02.2019

KIRORI MAL

...Petitioner

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Arun Kumar Yadav, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 21.08.2018 (Annexure P-5) passed by the trial Court in Criminal Complaint No. 387-2/2016 dated 15.07.2016 titled as M/s Godara Traders vs. Amira Foods Private Limited vide which the petitioner has been declared as a proclaimed person.

While issuing notice of motion it was observed by this Court that on the day when the case was fixed before the trial Court, the petitioner had moved an application through his counsel for granting exemption for personal appearance. However, the said application was declined and proceedings under Sections 82 and 83 of the Cr.P.C for declaring the petitioner as proclaimed offender was initiated and on the same day he was declared a proclaimed person. It was also observed by this Court that no proper procedure for initiating the proceedings under Section 82 and 83 of

Cr.P.C was adopted as the petitioner had already appeared on that day through his counsel. It was further directed that the petitioner will surrender before the trial Court and trial Court will release him on interim bail.

The counsel for the petitioner has submitted that the petitioner has already appeared before the trial Court and he has been released on interim bail and thereafter, he is regularly attending the trial.

This fact is not disputed by the learned State counsel.

In view of the same, this petition is allowed and the order dated 21.08.2018 vide which the petitioner was declared as proclaimed person is set aside.

(ARVIND SINGH SANGWAN)

JUDGE

February 21, 2019

Jyoti-I Whether speaking/reasoned Yes/No Whether Reportable Yes/No