

**CRM-24967-2019 in/and
CRM-M-22446-2019**

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

**CRM-24967-2019 in/and
CRM-M-22446-2019
Date of Decision: 03.09.2019**

Gora Lal

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Devender Arya, Advocate,
for the applicant-petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

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Vide this application, the applicant-petitioner seeks to place on record (i) a copy of the proclamation issued by the trial Court under Section 82 of the Cr.P.C. on 29.12.2018; (ii) the report dated 13.02.2019 made by the police official who was to serve the proclamation issued; (iii) an order of the trial Court dated 28.05.2019, admitting the petitioner to bail, pursuant to the order of this Court dated 23.05.2019.

The application is allowed subject to all just exceptions and the aforesaid documents are ordered to be taken on record as Annexures P-15 to P-17 respectively, with the accompanying petition.

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As regards the FIR registered against the petitioner under the

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provisions of Section 174-A of the IPC, the contention of learned counsel is that the petitioner was never personally served of the notices/summons issued to him earlier by the trial Court.

A perusal of the order passed by the trial Court on 12.03.2018 (copy Annexure P-4), shows that the petitioners' wife had refused to accept notice, pursuant to which bailable warrants were ordered to be issued by the trial Court, with again notice of such warrants having been refused to be accepted by his wife. Non-bailable warrants issued were also returned unexecuted, with the trial Court therefore passing an order on 03.01.2019, observing therein that the petitioner was either absconding or concealing himself to avoid execution of the warrant of arrest. Consequently, proceedings under Section 82 of the Cr.P.C., were initiated against him.

Though learned counsel for the petitioner submits that his wife was not in a stable mental condition, however, no such evidence is before this Court. In any case, with proceedings under Section 174-A carrying on before the trial Court, that would be a defence to be taken by him at the appropriate stage, if he wishes to.

Consequently, this petition is dismissed, with liberty obviously available with the petitioner to take whatever defence that is legally available with him, before the trial Court.

September 03, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes