IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39866-2019 (O&M)
Date of decision: 19.11.2019

Malkeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Khiva, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 25.05.2016 (Annexure P-8) passed by the trial Court, vide which the petitioner was declared as proclaimed offender, in FIR No.137 dated 02.11.2014 under Sections 457 & 380 IPC, registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner submits that without following the proper procedure, the proceedings under Sections 82/83 Cr.P.C. were initiated against the petitioner and he was declared as proclaimed offender vide impugned order dated 25.05.2016, without effecting service at his ordinary place of residence.

Reply by way of affidavit of the Investigating Officer/SI Baldev

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High Court Chandigarh

Singh, Police Station Sadar Mansa, District Mansa, filed in the Court today, is taken on record. It is stated in this affidavit that co-accused Hardeep Singh was arrested and challan against him stands presented, however, as the petitioner was not arrested, proceedings for declaring him proclaimed offender were initiated and he was declared proclaimed offender vide impugned order dated 25.05.2016. However, it is admitted in this affidavit that the petitioner, in compliance of the order dated 16.10.2019 passed by this Court in the anticipatory bail application, has joined the investigation on 18.10.2019.

Vide order of even date passed in CRM-M-38419-2019, interim anticipatory bail granted to the petitioner is made absolute.

Considering the fact that the petitioner has surrendered before the Investigating Officer and supplementary challan is to be filed in due process, this petition is allowed and the impugned order dated 25.05.2016 (Annexure P-8) passed by the trial Court, declaring the petitioner as proclaimed offender, is set aside.

[ARVIND SINGH SANGWAN]
JUDGE

19.11.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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