

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

267

CRM-M-51851-2018 (O & M)
Date of Decision:17.01.2019

Shiv Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S. Dhillon, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr.Dushyant, Advocate for respondent No.2.

MANOJ BAJAJ, J.(ORAL)

Petitioner has challenged the order dated 08.08.2012, whereby the learned trial Court proceeded to declare him as a proclaimed offender in case FIR No.100 dated 06.07.2011 under Sections 465, 467, 468 and 120-B of the Indian Penal Code (IPC) registered at Police Station City, Ropar.

Learned counsel for the petitioner has contended that the petitioner had left India in the year 2005 and the FIR was registered in the year 2011. The fact that the petitioner is not in India stands recorded itself in the FIR. Learned counsel contends that statement of one of the witnesses namely Manjit Kaur, Sarpanch was recorded under Section 161 Cr.P.C. by the police wherein again this fact is reiterated.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.11.2016, whereby FIR No.100 dated

06.07.2011 was quashed on the basis of compromise entered into between

the complainant and rest of the accused, who are parents of the petitioner. Learned counsel for the petitioner has expressed the willingness of his client to participate in the proceedings pertaining to FIR No.100 dated 06.07.2011.

Considering the above and the fact that the effective service was not made upon the petitioner, who was not in India when he was declared as proclaimed offender, the impugned order dated 08.08.2012 is set aside.

Let the petitioner submit himself before the Court on or before by 10.02.2019 and thereafter the learned trial Court shall proceed with the case in accordance with law.

Disposed off.

17.01.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No