

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

CRM-M-34497-2017 (O&M)

Date of decision: February 04, 2020

Ram Singh

....Petitioner

Versus

CBI

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Deepak Bhardwaj, Advocate for the petitioner.

Mr. Sumeet Goel, Standing Counsel for the CBI with
Ms. Kaavya Jariyal, Advocate

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing the order dated 10.1.2017 passed by the trial Court whereby the petitioner was declared a proclaimed offender.

On 15.9.2017, while issuing notice of motion, the following order was passed :-

“Heard.

Learned counsel for the petitioner submits that petitioner is resident of Kurukshetra. In the challan, CBI has given his address of village Khandola, Tehsil Adampur, District Jalandhar, where he had never resided. The summons issued to him were received back with the report that he is not resident of the address mentioned in the challan. The trial Court instead of taking correct address of the petitioner, issued his proclamation and declared him proclaimed offender. It was, at this stage, petitioner has come to know that he has been declared proclaimed offender.

Notice of motion for 19.9.2017.”

Thereafter, on 19.9.2017, the operation of the order declaring the petitioner a proclaimed offender was stayed and on

13.11.2017, the petitioner was directed to appear before the trial Court within two weeks and on his appearance, he was directed to be released on interim bail by the trial Court.

Counsel for the petitioner submits that since then the petitioner is appearing before the trial Court and is facing the trial.

Since a substantive period of more than 02 years has already passed when the petitioner was directed to appear before the trial Court and he was granted the interim bail and, thereafter, the petitioner has not misused the concession of interim bail, the present petition is allowed and the order dated 10.1.2017 passed by the trial Court is quashed and the order dated 13.11.2017 passed by this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

February 04, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No