

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

CRM-M-22724 of 2019 (O&M)
Date of Decision: January 10, 2020

Sarabjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-17681-2019

Counsel for the petitioner would contend that the impugned order is in fact dated 08.08.2017, but inadvertently it has been mentioned as 06.10.2016. He seeks permission to correct the same by placing on record the amended petition.

In view of the above, the application is allowed.

Amended petition is taken on record.

CRM-M-22724-2019

This is a petition that has been filed under Section 482 Cr.P.C. for quashing of order dated 08.08.2017 passed by the Addl. Sessions Judge, Amritsar by which the petitioner herein has been declared as proclaimed

offender in case FIR No.89 dated 30.04.2014, under Sections 302, 316, 342, 354, 452, 148, 149 of Indian Penal Code, registered at Police Station Beas, Amritsar Rural.

Counsel for the petitioner herein would contend that when the impugned order was passed, the petitioner was in England, as such, there is no compliance of provisions of Section 82 Cr.P.C., while further submitting that now the petitioner is in India and has independently initiated proceedings seeking anticipatory bail in the aforesaid FIR.

Per contra, learned State counsel, on instructions from the Investigating Officer, submits that no ground is made out to quash the impugned order.

I have heard counsel for the parties and in view of the documents available on record that the petitioner was in England, at the time when he was declared as proclaimed person, as such, there is clear cut non-compliance of Section 82 Cr.P.C. Under these circumstances, the impugned order is not sustainable and the same is hereby set aside.

The petition stands allowed accordingly.

Original record be sent back forthwith.

January 10, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No