

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM-M-41329-2020

Date of Decision:09.12.2020

Dilbagh Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 01.08.2018(Annexure P-8), whereby the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner submits that vide impugned order dated 01.08.2018(Annexure P-8), the petitioner has been declared as a proclaimed offender, despite the fact that he has not properly been served in the case. He refers to the proclamation notice dated 11.06.2018(Annexure P-6), wherein name of the petitioner is mentioned but not his address. He has given enough stress on the vernacular attached with the petition, wherein address of the petitioner has not been mentioned.

Notice of motion.

At this stage, Mr. B.S. Sewak, Addl. A.G., Punjab, has put in

appearance and accepts notice on behalf of the respondent-State. When confronted with the document(Annexure P-6), he after having a glance on the said document, fairly submits that address of the petitioner is not mentioned in the proclamation notice. He submits that the proclamation notice(Annexure P-6) was passed on 11.06.2018, whereas the petitioner filed the present petition at this belated stage and therefore, this petition is liable to be dismissed.

Heard learned counsel for the parties.

The bare perusal of the document(Annexure P-6) shows that address of the petitioner is not complete. Even if it is presumed that the petitioner has been served in the case, the proclamation proceedings initiated against the petitioner are not likely to be sustained because of his incomplete address on the proclamation notice.

Accordingly, the present petition is allowed and the impugned order dated 01.08.2018(Annexure P-8), whereby the petitioner has been declared as proclaimed offender, is hereby set aside.

In case, the petitioner surrenders before the trial court within a period of one week from today, he shall be admitted on *interim bail*, subject to his furnishing adequate bail bonds/surety bonds to its satisfaction.

Petitioner shall furnish an undertaking to the effect that he shall not cause any delay in the timely trial of the case.

December 09, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No