

In virtual Court

CRM-M-11246-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-11246-2020 (O&M)

Date of decision: 08.03.2021

Harish Singh @ Hari Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Sharma, Advocate  
for the petitioner.

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ARVIND SINGH SANGWAN, J. (ORAL)

CRM-6650-2021

For the reasons stated in the application, same is allowed and date of hearing is preponed from 05.04.2021 to today.

CRM stands disposed of.

CRM-M-11246-2020

Prayer in this petition is for setting aside the order dated 27.10.2017, vide which the petitioner was declared a proclaimed person in criminal complaint No.COMI-2046 of 2013, instituted on 16.08.2013, titled as Karuna Vs. Harish Singh and others.

Learned counsel for the petitioner submits that marriage of the petitioner was solemnized with respondent No.2-complainant on 17.02.2012 and the same could not pull on. Later on, the complainant filed a complaint dated 16.08.2013 with the allegations of demand of dowry including the car, cash and maltreatment at the instance of the petitioner/husband and other members of her in-laws' family. It is further submitted that respondent No.2-wife had already filed a petition under Section 125 Cr.P.C. and the same is pending. It is also submitted that when the summons were sent to the petitioner, initially they were received back unserved and on one of the summons, landlord of the petitioner had stated that the petitioner is residing there, however, he has not come to the house, therefore, the service was effected by way of affixation.

Learned counsel for the petitioner has further submitted that since the petitioner is an employee working in Income Tax Department, his service was not effected in terms of Section 82 Cr.P.C.

After hearing learned counsel for the petitioner, I find that the petitioner was summoned by the trial Court, vide order dated 15.05.2017, to face the trial under Sections 406, 498-A, 506 IPC and after a proclamation was executed under Section 82 Cr.P.C., as per statement of serving Head Constable Rakesh Kumar, the trial Court declared him a proclaimed person in accordance with law.

A perusal of the statement of Head Constable Rakesh Kumar dated 15.09.2017 shows that though he had gone to house of the petitioner, but he was not found present and one Chandan Sharma informed that the petitioner had

gone away for the last many days. This clearly shows that the petitioner was avoiding the service. Even the statement of Chandan Sharma recorded by Head Constable Rakesh Kumar also shows that though the petitioner is residing in his house, but he had gone somewhere, as he was aware of pendency of the complaint. Similar is the statement of one Veer Sharma recorded by Head Constable Rakesh Kumar, who had accompanied him, while affixing the publication on the wall of the house, where the petitioner is residing, therefore, the trial Court has rightly declared the petitioner as proclaimed person, as he was avoiding the service in the complaint.

In view of the above, finding no merit in the present petition, same is dismissed.

However, it is made clear that in case the petitioner surrenders before the trial Court within a period of 15 days from today, the trial Court will decide his regular bail application within next two days thereafter.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

08.03.2021  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No