

**201 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-40373-2019 (O&M)
Date of Decision: 22.11.2021**

Devender Kumar

.... Petitioner

Versus

Bimla Devi

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rohit Ahuja, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

None for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

It is submitted by learned counsel for the petitioner that his address as mentioned in the original complaint (Annexure P-1), in which he was arraigned as an accused, was of village Thakurwada Baselwa Colony, Old Faridabad, Haryana while his actual address was of House No.230/2, Baselwa Colony, Old Faridabad, from which he later shifted to House No.2345, Sector 2, Ballabgarh, District Faridabad.

[2] No service upon any of his actual subsequent addresses was ever effected upon him but the Ld. Court below nevertheless on the presumption that he was intentionally avoiding to accept service, declared him a 'Proclaimed Offender'.

[3] In connected case i.e. CRM-M-40246-2019, a Coordinate Bench of this Court had taken notice of this situation and he had also been pleased to permit him to be admitted to bail vide order dated 20.09.2019. It

is the submission of Ld. Counsel for the petitioner that following the said

order, the petitioner has surrendered before the Ld. Trial Court and the trial is still in progress.

[4] None appears for the complainant/respondent in spite of valid service to oppose the contentions raised on behalf of the petitioner.

[5] In the totality of circumstances, there does appear to have been some miscarriage of justice by issuing coercive processes upon the petitioner while he was apparently not served at all on account of having changed his residential address, and the change of his such addresses was never brought to notice of the Ld. Trial Court. Consequently, the present petition is allowed by setting aside the impugned order declaring the petitioner to be a 'Proclaimed Offender'. Petitioner shall continue to remain on bail in terms of order dated 20.09.2019 passed in connected CRM-M-40246-2019.

[6] Disposed off.

22.11.2021

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No