

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

CRM-M-3986-2022

Date of decision : 02.05.2022

Parminder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Manuj Nagrath, Advocate,
for the petitioners.

Mr. B.S. Sewak, Addl. A.G., Punjab.

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HARINDER SINGH SIDHU, J.

The petitioners have filed the present petition primarily seeking quashing of the order dated 19.10.2021 whereby they have been declared proclaimed offenders.

Petitioner No.1 got FIR No.155 dated 08.10.2015 registered at Police Station Dehlon, District Ludhiana, under Sections 323, 325, 34 IPC. Later, a cross-case registered vide the DDR No.24 dated 21.10.2015 under Sections 323, 324, 34 IPC in the aforesaid FIR at the same Police Station against the petitioners on the allegations of having caused injuries to Kuldeep Singh. As the cross case was registered under bailable offences, thus, the petitioners were admitted to bail on furnishing bail bonds. The final report under Section 173 Cr.P.C. was presented against the petitioners on 09.09.2017 in the absence of the petitioners. The case was thereafter adjourned to 09.10.2017 for appearance of the petitioners. On 09.10.2017, on receipt of notice with a report that the address mentioned in the challan was incomplete, notice was issued to the Investigating Officer for 27.11.2017. However, the Investigating Officer did not appear before the trial Court. The case thereafter kept getting adjourned from time to time to secure the

presence of the Investigating Officer. However, the Investigating Officer did not appear before the trial Court to furnish the correct address. On 19.01.2019, the notices were again issued at the incorrect address of the petitioners for 25.02.2019. Thus, the petitioners remained unserved. Thereafter, proclamation proceedings were initiated against the petitioners and they were finally declared as proclaimed offender vide the impugned order.

Learned counsel for the petitioners states that it can never be the intention of the petitioners to evade the process of law. In fact, they were not served in the said case and have no knowledge of the filing of the report under Section 173 Cr.P.C. The petitioners are ready and willing to appear before the trial Court and face trial.

Accordingly, the petitioners may appear before the trial Court on or before 18.05.2022. On their appearance, they shall be admitted to interim bail by the trial Court to its satisfaction. In case, the petitioners fail to appear before the trial Court as directed, this order shall stand vacated.

Petition stands disposed of accordingly.

(HARINDER SINGH SIDHU)
JUDGE

02.05.2022
Satyawar

Whether reasoned order : Yes / No
Whether reportable : Yes / No