

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

**CRM-M-37074 of 2021
Date of Decision:- 07.04.2022**

Inderpal Singh

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

The present petition has been filed by the petitioner seeking quashing of the order dated 08.06.2017 (Annexure P-5) vide which the petitioner was declared as proclaimed offender in case FIR No.211 dated 09.09.2016 under Sections 406, 420, 120-B, 506, 211 IPC, Sections 10 and 24 of Immigration Act, Police Station Cheeka, District Kaithal.

The counsel for the petitioner contended that the impugned order was passed by the Trial Court without complying with the procedure mandated under Section 82 Cr.P.C. The counsel further submitted that the petitioner was not residing at the given address on which his proclamation was issued and published. The counsel further

contended that at the relevant time the petitioner was in foreign country. It is further contended that all the other accused who faced trial were acquitted by the trial court vide judgment dated 19.07.2021, Annexure P-2. It is further contended that the petitioner has joined the proceedings with the Trial Court on the basis of interim order dated 09.09.2021.

On the other hand the State counsel submitted that the impugned order was passed in consonance with the statutory provisions. However, the fact regarding joining of the proceedings by the petitioner on the basis of the interim order has not been refuted by the State counsel.

Admittedly, other accused persons were acquitted by the Trial Court on conclusion of the trial as is evident from judgment dated 19.07.2021(P-2). Further, the petitioner has already joined the proceedings in the Trial Court on the basis of order of interim bail dated 09.09.2021 passed by a Co-ordinate Bench of this Court. In these circumstances no purpose is going to be served even if the petitioner is sent to custody at this stage.

In view of the above, the present petition is allowed and the impugned order dated 08.06.2017 (Annexure P-5) passed by the court of Sub-Divisional Judicial Magistrate, Guhla, whereby petitioner has been declared as proclaimed offender, is hereby quashed.

07.04.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No