

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

CRM-M-3795 of 2023

Date of Decision: February 10, 2023

Satish Chouhan	...Petitioner
Versus	
State of Punjab	...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Karan Choudhary, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 482 Cr.P.C, prayer is made to quash impugned order dated 03.09.2022 (Annexure P.2) whereby the petitioner has been declared proclaimed person by the learned Judicial Magistrate Ist Class, Pathankot in case FIR No.0033 dated 26.03.2016 registered at Police Station Division No.2, District Pathankot, under Sections 420, 467, 468, 471 IPC.

Contention of the petitioner is that the petitioner was never served and has been wrongly declared proclaimed person.

On the direction of this Court, petitioner has today placed on record, the relevant orders which were passed by the trial Court prior to passing of the impugned order dated 03.09.2022.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the State. It is revealed that on 31.05.2022, in order to procure the presence of the petitioner,ailable warrants issued to him were received back with a report that he was not residing at the given address, so, warrants of arrest were directed to be issued for 18.08.2022. However, prior to 18.08.2022, an application was moved on 20.07.2022 for issuance of the warrants of arrest. The Court directed issuance of the

warrants of arrest for 30.07.2022. On the adjourned date of 30.07.2022, report was received on the warrants of arrest that the accused- petitioner Satish Chouhan had sold his house 5-6 years ago and had gone to some unknown place.

Keeping in view the said report, proclamation under Section 82 Cr.P.C was issued against him and after effecting the proclamation, he was then declared proclaimed person vide order dated 03.09.2022 and direction was issued to make compliance under Section 174-A IPC.

It is evident from the above-said orders that the petitioner was never served. As per report on the warrants of arrest, he had already sold the house, the address of which was mentioned in the warrants of arrest, 5-6 years back.

There is nothing on record to suggest that any effort was made to trace his address and to serve him there.

Keeping in view the aforesaid circumstances, the impugned order dated 03.09.2022 (Annexure P.2) is quashed.

Petitioner shall appear before the Investigating Officer as and when called by him.

With these directions, this petition stands disposed of.

February 10, 2023

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**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No