

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

CRM-M-5208-2023

Date of decision: 18.04.2023

Manoj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vishal Garg, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 08.11.2007 (Annexure P-1) whereby the petitioner has been declared as Proclaimed Offender in violation of procedure given in Section 82(1) of Cr.PC in FIR No.17/1999 dated 16.02.1999 under Sections 61/1/14 of Punjab Excise Act, 1919, registered at Police Station Barara, District Ambala.

On the last date of hearing the following order was passed:

“Petitioner has filed the instant petition under Section 482 Cr.PC for quashing of order dated 08.11.2007 (Annexure P-1) whereby the petitioner has been declared as proclaimed offender in violation of procedure given in Section 82(1) of Cr.PC in FIR No.17/1999 dated 16.02.1999 under Sections 61/1/14 of Punjab Excise Act, 1919, registered at Police Station Barara, District Ambala.

Counsel for the petitioner submits that the petitioner shifted his residence from the address given in the FIR to Ekta Colony, Roourki Chunghi, Muzaffarnagar (UP). Thereafter the petitioner was appointed as Home Guard in UP Police and notice has not been served upon the petitioner and there is violation of Section 82 Cr.PC.

Notice of motion.

Ms. Gaganpreet Kaur, AAG, Haryana, accepts notice on behalf of the respondent-State of Punjab and seeks time to file the reply/status report.

Adjourned to 18.04.2023.”

Learned State counsel has filed the status report dated 17.04.2023 along with Annexure R-1 and R-2, which are taken on record. Copy thereof has been supplied to the counsel for the petitioner. In the status report it has been stated that the petitioner was arrested and produced before the Ld. Trial Court on 13.03.2023 and on 15.03.2023 the accused-petitioner suffered his voluntary confessional statement before the Ld. Trial Court admitting his guilt and thereafter the petitioner was held guilty by the learned JMIC, Ambala vide judgment dated 15.03.2023 and after hearing the petitioner on quantum of sentence, the learned trial Court has imposed fine of Rs.2,000/- upon the petitioner as costs of proceedings in accordance with Sections 3 and 5 of the Probation of Offender Act, 1958 for commission of offence punishable under Section 61 of Excise Act.

In view of the above, the instant petition has been rendered infructuous and the same is disposed of accordingly.

18.04.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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