

248-2 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8245-2017
Date of decision: 01.08.2023

Puneet @ Peeta Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

Mr. Mahipal S. Yadav, Advocate
for the complainant-respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Prayer in the petition filed under Section 482 Cr.PC is for quashing of the impugned order dated 16.08.2016 (Annexure P-6) whereby petitioners have been declared as proclaimed persons.

2. Counsel for the petitioners submits that the petitioners have been named as co-accused in FIR No.107 dated 26.09.2015 under Sections 382, 323, 506, 341, 148, 149 of Indian Penal Code, 1860 registered at Police Station Division No.8, Ludhiana, District Ludhiana (Annexure P-1) which has been registered on the statement of respondent No.2 alleging that petitioners surrounded him and physically assaulted him. It has been alleged that assuming the complainant to be dead, they snatched his gold chain and fled. Counsel submits that during investigation, offence under Section 382 IPC has been deleted and the dispute has been mutually settled between the parties as is

apparent from affidavit (Annexure P-2) executed by the complainant-respondent No.2. Counsel submits that petitioners approached this Court seeking grant of pre-arrest bail and by orders dated 02.06.2016 and 13.06.2016 (Annexures P-3 and P-4), respectively, they were granted interim protection and were directed to join the proceedings. Counsel submits that in deference to the order passed by this Court, the petitioners appeared before the Investigating Officer and they were released on interim bail. He submits that by orders dated 03.08.2016 (Annexure P-5) collectively, the interim bail order was made absolute. He submits that, however, the Investigating Officer never brought it to the notice of the trial Court that the petitioners have been released on bail and by impugned (Annexure P-6) petitioners have been declared as proclaimed persons.

3. Although, notice of motion was issued in March, 2017 but despite repeated opportunities, no response has been filed on behalf of the State or on behalf of the private respondent. Counsel for respondent No.2, however, has admitted the factum of settlement between the parties and submitted that by the order passed on even date, petition seeking quashing of the FIR by co-accused Deewanker Sehgal, has been allowed by this Court. He submits that he does not have any objection, in case, the impugned order is set aside.

4. Having heard counsel for the parties, this Court is of the view that there is merit in the submission made by the counsel for the petitioners. The objective of Section 82 is to secure the presence of the accused. Facts as noticed above, show that accused-petitioners joined the investigation in deference to order passed by this Court, cooperated with the Investigating Agency and the interim bail granted to the petitioners was subsequently made absolute. In this background, impugned order passed by the trial Court declaring them as

proclaimed persons cannot be sustained.

5. Accordingly, petition is allowed, impugned order (Annexure P-6) is set aside. Trial Court shall proceed in accordance with law.

01.08.2023
Parveen kumar

(SUVIR SEHGAL)
JUDGE

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