

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

**CRM-M-29988 of 2022 (O&M)  
DATE OF DECISION :- 25.09.2023**

**Ombir Singh**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

**Present:-** Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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**PANKAJ JAIN, J. (Oral)**

The present petition filed under Section 482 Cr.P.C. is directed against the order dated 12.8.2011 where by the petitioner was declared as proclaimed offender and consequently F.I.R No. 141 dated 11.4.2021 registered for offence punishable under Section 174-A of the Indian Penal Code.

2. The petitioner was initially booked for in F.I.R No. 11 dated 15.2.2006 registered for the offences punishable under Sections 279,337,304A of the Indian Penal Code at Police Station Satnali, District Mahendergarh (Annexure P-6).

3. In the proceedings the address of the petitioner was recorded as under :-

*“Ombir s/o Sh. Balbir, age 43 years, by caste Jat, R/o Akhtyarpura, P.S. Charkhi Dadri, Bhiwani.”*

4. Even in the impugned order (Annexure P1), the address of the petitioner is the same. However, counsel for the petitioner refers to order (Annexure P-3) which shows that the proclamation was issued on the wrong address which reads as under :-

*“Ombir son of Balbir, caste Jaat, resident of Kumharon Ki Dhani, Police Station Surajgarh.”*

5. Learned counsel submits that even from the statement suffered by the executing personal it is evident that the proclamation was effected on the afore said wrong address.

6. It has been thus contended that once the proclamation as well as the summons were being effected on the wrong address, the impugned order dated 12.8.2011 declaring the petitioner to be proclaimed offender and the consequential FIR (Annexure P-2) registered for the offences punishable under Section 174-A of the Indian Penal Code cannot be sustained.

7. Learned counsel for the State is not in a position to dispute the aforesaid dichotomy that has been demonstrated on the face of record by the counsel for the petitioner.

8. In the status report filed by way of affidavit of Sh. Siddhant Jain, IPS, Additional Superintendent of Police, Mahendergarh, District Mahendergarh there is no explanation for the same. Even though the respondents themselves have relied upon driving license of the petitioner placed on record as Annexure R-1 which shows the petitioner to be resident of Akhtyarpura, Tehsil Charkhi Dadri, District Bhiwani (that is the correct address) it is not coming on record as to how the proclamation was got issued for a wrong address mentioning the petitioner to be resident of Kumharon Ki Dhani, Police Station Surajgarh.

9.            In view of the above, this Court finds that the proclamation was issued on the wrong address despite the fact that the record of the trial had the correct address of the petitioner.
10.          Resultantly, the impugned order dated 12.8.2011 cannot be sustained and hereby set aside. As a corollary of the quashing of order dated 12.8.2011 the impugned F.I.R No. 141 dated 11.4.2021 also cannot survive and is thus hereby ordered to be quashed.
11.          Ordered accordingly.

**(PANKAJ JAIN)  
JUDGE**

**25.09.2023**

*p.singh*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |