

Punjab-Haryana High Court

Gurjeet Singh Johar And Another vs State Of Punjab And Another on 17 December, 2019

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.53806 of 2019 (O&M)

DATE OF DECISION : 17th DECEMBER, 2019

Gurjeet Singh Johar & another

.... Petitioner(s)

Versus

State of Punjab & another

.... Respondent(s)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sangram Singh Saron, Advocate for the petitioner(s).

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Sections 482/483 Cr.P.C praying for quashing of orders dated 08.06.2019, 10.07.2019, 27.08.2019 whereby the non bailable warrants of arrest were issued against the petitioners, as well as, the subsequent consequent orders, including order dated 18.09.2019, whereby the petitioners have been declared proclaimed person.

This Court has already considered the matter involved in this case, in CRM-M-47872 of 2019 - Gurjeet Singh Johar v. State of Punjab and another, decided on 08.11.2019 and has held that unless there is any specific legal hurdle in the way of the police in arresting a person without warrant, for removal of which the warrant by the Magistrate would be required, the Magistrate is not required to issue warrant of arrest against a person. Still further, it has been held that at the stage of investigation, the accused cannot be declared as a proclaimed offender, mechanically, in a routine manner. The present petition relates to the same matter, as was involved in above-said CRM-M-47872 of 1 of 2 CRM-M No.53806 of 2019 (O&M) 2019. However, it is pointed out that, in the present case, additionally, the order under Section 82 of Cr.P.C has also been passed; despite the fact that challan has not been filed before the Court so far.

In view of the above, the present petition is also allowed in the same terms as in CRM-M-47872 of 2019. The orders issuing non bailable warrants of arrest; impugned in the present petition, including the order whereby the petitioners were declared as a proclaimed persons, are quashed.

However, the Police and the Magistrate, would be at liberty to take action only in accordance with law, if otherwise, required in the facts and circumstances of the case.

17th DECEMBER, 2019

(RAJBIR SEHRAWAT)

'raj'

JUDGE

Whether speaking/reasoned:

Yes No

Whether Reportable:

Yes No

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