

125.

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

CRM-M-27330-2018

Date of decision:05.07.2018.

SUKHWANT SINGH @ SUKH

... Petitioner

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. L.S. Lakhanpal, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. impugning the order dated 30.11.2017 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby in case FIR No.45 dated 27.04.2015 under Sections 406/420 IPC registered at Police Station Division No.4, Jalandhar, District Jalandhar, petitioner was declared as proclaimed offender.

Learned counsel for the petitioner states that the petitioner is ready to appear before the trial Court and to challenge the validity of the order. He further states that in fact the matter was compromised between the parties and half of the claimed amount has also been paid to the claimant, whereas the remaining half, petitioner is ready to pay but instead of in one go, he would be able to pay in installments.

I have heard learned counsel for the petitioner.

Without observing anything on the merits of the case and

(2) RCR (Criminal) 501, this Court finds that firstly the petitioner should have moved to the court which declared him proclaimed offender. The objection as regard the validity of the order is required to be raised firstly before the trial Court which has issued proclamation order.

Accordingly, present petition is disposed of with liberty to the petitioner to approach the trial Court and to justify his non-appearance. The plea that he is ready to pay the remaining outstanding amount in installments shall again be for the trial Court to appreciate.

Therefore, the petitioner is relegated to the trial Court and in case, he surrenders before the trial Court within a week, his bail application would be decided on the same day.

(HARI PAL VERMA)
JUDGE

05.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No