

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

CRM-M No.3001 of 2017

Date of decision: January 01, 2018

Hargopal Singh @ Gopi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Navjinder Singh Sidhu, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

By virtue of the petition filed under Section 482 read with Section 483 of the Code of Criminal Procedure, petitioner has sought quashing/setting aside the order dated 03.10.2015 passed by the Ld. Additional Sessions Judge, (D) whereby petitioner was declared a Proclaimed Person.

Heard.

A bare perusal of order dated 17th August, 2015 (Annexure P-6) transpires that the warrant of arrest was not executed but Court would likely to reproduce the order:-

“Non-bailable warrants of arrest issued against accused Hargopal Singh @ Gopi, Baljit Singh and Vicky received back unserved. Perusal of file show that the accused Hargopal Singh @ Gopi, Baljit Singh and Vicky are absented from Court on 15.06.2015 and since then his non-bailable warrants are being issued. But the same are not executed. This Court is satisfied that the above named persons cannot be served in ordinary manners. As such the accused Hargopal Singh @ Gopi, Baljit Singh and Vicky are ordered to be summoned through proclamation under Section 82 of Cr.P.C. for 07.09.2015.

Accused Kawarpreet Singh and Kulwinder Singh, who are in custody be produced on the said date i.e. 07.09.2015 as well as 31.08.2015 for roohnumai.”

A perusal of the aforesaid order transpires that warrant of arrest was not executed but instead of waiting for 30 days, execution proceedings against the petitioner were initiated under Section 82 Cr.P.C. for 07.09.2015 i.e. less than 30 days.

To the mind of this Court, this order is suffered from irregularity and illegality as the Court has not been waited for 30 days. However, petitioner has already been joined the proceedings.

In this view of the matter, impugned order dated 17.08.2015 (Annexure P-6) stands quashed and interim order dated 31.01.2017 is made absolute.

(RAJ SHEKHAR ATTRI)
JUDGE

February 01, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No