

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

CRM-M-2469-2019 (O&M)
Date of decision : 07.10.2019

Charanjit Singh @ Chani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Section 82 of the Code of Criminal Procedure requires publication of proclamation for a period not less than 30 days before an accused can be declared as proclaimed offender.

In the present case, publication was made on 20.10.2010 for 30.10.2010. Thus, the period was only 10 days instead of 30 days. The Court adjourned the case beyond the period of 30 days. Such course is not permissible because the requirement of law that publication of proclamation is required to be for a minimum period of 30 days is in order to give opportunity to the accused against whom proclamation is being issued to appear.

In view thereof, order dated 19.01.2011 is quashed. However, since, the present petition has been filed after a period of 8 years, it shall be subject to payment of costs of ₹50,000/- which shall be deposited in Government Treasury within a period of one month.

This order is also subject to the condition that the petitioner will surrender before the trial Court within a period of one month and apply for bail.

Petition is allowed.

07.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No