

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20145-2019 (O&M)

Date of Decision:-16.5.2019

Surinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Sihota, Senior Advocate with
Mr. B.R. Rana, Advocate,
for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

CRM-15994-2019

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-7 to P-14.

CRM-M-20145-2019

The petitioner has approached this Court seeking quashing of FIR No.44 dated 25.7.1995 registered at Police Station Goraya, District Jalandhar under Sections 325, 326, 148 and 149 of Indian Penal Code and also all the subsequent proceedings arising therefrom including order dated 14.6.1999 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, whereby the petitioner was declared as a proclaimed offender.

Notice of motion to State of Punjab.

On asking of the Court, Ms. Rashmi Attri, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State. A copy of the petition has been furnished to the learned counsel representing the State today in Court.

The learned counsel for the petitioner, while assailing the impugned order dated 14.6.1999, has submitted that the mandatory provisions of Section 82 Cr.P.C. have not been complied with inasmuch as while the proclamation notice (Annexure P-13) was issued on 20.5.1999 requiring the petitioner to appear on 14.6.1999, the proclamation of the same was infact effected on 10.6.1999 as would be evident from the statement of serving official and thereafter after four days of such proclamation, the petitioner was declared a proclaimed offender vide impugned order dated 14.6.1999.

The aforesaid facts clearly indicate that the prescribed period of 30 days for enabling the accused to cause appearance after proclamation is effected has not been afforded to the accused. In these circumstances, the impugned order dated 14.6.1999 declaring the petitioner as a proclaimed offender cannot sustain and is hereby set aside.

At this stage, the learned counsel for the petitioner submits that he withdraws his prayer for quashing of the FIR and that he may be permitted to raise all the points raised herein before the trial Court at appropriate stage.

In view of the aforesaid submission, the petition as regards the quashing of FIR is disposed of as withdrawn with liberty aforesaid.

In case, the petitioner surrenders before the trial Court within a period of ten days from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously preferably on the day of filing of such application, while taking note of the fact that other identically situated accused have been acquitted.

The present petition stands disposed of accordingly.

16.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No