

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

253

CRM-M-20941-2019

Date of Decision:19.07.2019

Sabir

....petitioner

Versus

State of Haryana

.....respondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.H.S.Randhawa, Advocate
for the petitioner

Ms.Harpreet Kaur, AAG Haryana

ANIL KSHETARPAL, J. (ORAL):

Prayer in this petition is for quashing of order dated 30.07.2015 (Annexure P6), passed by the trial Court, declaring the petitioner as a proclaimed offender.

On 08.05.2019, the following order was passed by this Court:

Learned counsel for the petitioner contends that the proclamation as ordered by the trial Court on 11.05.2015 was not for a period of 30 days as required in Section 86 of the Code of Criminal Procedure.

Notice of motion.

On asking of the Court, Mr. Sanjay Kumar Saini, AAG, Haryana, accepts notice on behalf of the State of Haryana. A copy of the paper book be handed over to learned State counsel during the course of the day.

Adjourned to 19.07.2019.

In the meantime, the petitioner is directed to appear before the trial Court within 15 days and apply for being released on regular bail. If such an application is filed, learned trial Court would release the petitioner on regular bail on its satisfaction subject to furnishing of personal bonds and surety bonds.

Learned counsel for the petitioner submits that pursuant to the directions issued by this Court, the petitioner put in appearance before the trial Court and was granted the concession of regular bail.

Learned counsel for the petitioner contends that as per the requirement of Section 82 of the Code of Criminal Procedure, it is mandatory to order a proclamation requiring the accused to appear at a specified place and at a specified time not less than 30 days from the date of publishing such proclamation.

From a perusal of Annexure P3, it is apparent that on 11.05.2015, Judicial Magistrate First Class, Hathin, had ordered proclamation requiring the petitioner to appear on 29.05.2015. Hence, publication of notice for period less than 30 days has not been published. This issue has already been debated upon in the order dated 18.07.2019 passed in *CRM-M-30275-2019*.

Learned counsel for the petitioner also relies upon a judgement passed by the Court in the case of ***“Ashok Kumar vs. State of Haryana and another” 2013(4) RCR Criminal 550.***

In view thereof, the order dated 30.07.2015(Annexure P6), declaring the petitioner as proclaimed offender, is set aside, subject to the condition that petitioner would continue to appear before the trial Court on the dates fixed.

With these observations, the petition stands disposed of.

19.07.2019

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No