

**269-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-52474-2018

Date of decision: February 26, 2019

Amandeep

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of orders dated 04.05.2017, 18.05.2017 and 13.06.2017 passed by learned Judicial Magistrate Ist Class, Samrala vide which proclamation of the petitioner was issued and then he was declared proclaimed offender in FIR No.0154 dated 31.10.2016, under Sections 363, 366-A of the Indian Penal Code registered at Police Station Machhiwana, Khanna.

Petitioner could not appear before the learned trial court through non-bailable warrants, therefore, proclamation against him was issued but in spite of service of proclamation, he has not appeared. Ultimately, he was declared proclaimed offender. Now he has joined the proceedings.

A bare perusal of orders (Annexures P-2 to P-4) transpires that proclamation against the petitioner was not issued in accordance with law rather, it was issued within a period of less than 30 days. However, later on, he was awaited for appearance, yet less than 30 days' time was given at the initial stage which is violation of Section 82 Cr.P.C.

This court is of the view that the petitioner was not properly served. Consequently, this petition is accepted and impugned orders dated 04.05.2017, 18.05.2017 and 13.06.2017 passed by learned Judicial Magistrate Ist Class, Samrala are not sustainable in the eyes of law and the same are hereby *set aside*.

(RAJ SHEKHAR ATTRI)
JUDGE

February 26, 2019
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No