

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

108

CRM-M-46492-2019(O&M)
Date of Order:02.11.2019

SURINDER PAL SINGH

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Jatana, Advocate, for the petitioner.
Mr. Hittan Nehra, Addl. A.G., Punjab

ANIL KSHETARPAL, J(Oral)

On 31.10.2019, following order was passed:-

“Learned counsel for the petitioner contends that Section 82 of the Code of Criminal Procedure, has not been complied with as proclamation as required under Section 82, was ordered to be published on 09.01.2018 for 15.01.2018 or within 30 days from the date of execution of the proclamation. The date of appearance was given as 15.01.2018. He further submits that requirement of minimum notice of 30 days has not been fulfilled. He submits that adjournment of the case on 15.01.2018 to 16.02.2018 without any fresh publication also does not cure the defect in publication.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, who is present in the Court accepts notice on behalf of the State and seeks time to get instructions.

List on 02.11.2019.”

Learned counsel for the State has submitted that in view of non-compliance of strict provision of Section 82 of the Code of Criminal Procedure, the order under challenge dated 16.02.2018 (Annexure P-7) declaring the petitioner as proclaimed offender cannot be sustained.

In view thereof, the order dated 16.02.2018 (Annexure P-7) is set aside.

Consequently, the petitioner is directed to appear before the learned trial Court on 13.11.2019 and furnish bail bonds with surety of like amount to the satisfaction of Court. If petitioner complies with the aforesaid direction, he shall be released on bail. The Court would thereafter proceed in accordance with law.

Disposed of accordingly.

November 02, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No