

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

CRM-M-6711 of 2020 (O&M)

Date of Decision: February 14, 2020

Deepak Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. V.S. Rana, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. for setting aside the impugned order dated 19.11.2019 passed by the JMIC, Jalandhar, whereby the petitioner herein has been declared as proclaimed offender in FIR No.102 dated 11.08.2019, registered under Sections 376, 323, 506, 377 of Indian Penal Code at Police Station Maqsudan, District Jalandhar.

Counsel for the petitioner herein would contend that there has been non-compliance of the statutory provision of Section 82 Cr.P.C. as the offences under which he has been declared as PO does not find mentioned in Section 82(4) Cr.P.C. It is also argued that there is no mention in the order, by which he has been declared as PO, as to on which date service has been effected upon the petitioner.

Notice of motion.

At this stage, on the asking of the court, Mr. Davinder Bir Singh, DAG Punjab, accepts notice on behalf of the respondent-State. Let adequate number of copies of the petition be served upon him during the course of the day.

Mr. R.S. Rawat, Advocate puts in an appearance on behalf complainant-respondent No.2 and files the power of attorney, which is taken on record. He does not oppose if the impugned order is set aside on the ground that the matter stands compromised between the parties.

I have heard counsel for the parties and in view of the fact that there is non-compliance of mandatory provisions of Section 82 Cr.P.C. and considering the no objection given by counsel for complainant-respondent No.2, the instant petition is allowed and the impugned order is set aside. The petitioner herein is directed to surrender before the trial court within a period of two weeks from today and on his doing so, the trial court is directed to release him on bail subject to his furnishing adequate bail bond and surety bond to its satisfaction.

It is made clear that in case, the petitioner herein does not surrender before the trial court within two weeks, the instant petition shall be treated as dismissed.

February 14, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No