

103-2

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

CRM-M No. 3590 of 2021
Date of Decision: 30.09.2021

Sandeep Singh

-Petitioner

Versus

Amandeep Kaur and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Barjinder Singh, Advocate,
for the petitioner.

Mr. Rajbir Singh, Advocate,
for the complainant.

Mr. Bhupender Beniwal, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 10.11.2020 passed by Judicial Magistrate Ist Class, Sangrur in a complaint case bearing No.COMA-1393/2018 dated 14.11.2018 titled 'Amandeep Kaur vs Sandeep Singh' whereby the petitioner was declared as proclaimed offender.

Perusal of the record would show that proclamation was ordered to be issued by the Court vide order dated 18.12.2019 requiring the petitioner to appear before the Court

on 23.03.2020 after effecting proclamation within 10 days of the said order.

Proclamation was executed on 29.02.2020 according to report of ASI Nirbhai Singh.

In view of ratio of **Ashok Kumar vs State of Haryana, 2013(4) RCR (Criminal) 550,** the period of 30 days was to start w.e.f. 29.02.2020 and fresh period ought to have been fixed.

On 27.01.2021, following order was passed:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that vide order dated 18.12.2019, proclamation was ordered to be issued against the petitioner requiring him to appear on 23.03.2020 after effecting the proclamation within ten days of the said order. It appears from the order dated 12.01.2021 (while declining the prayer of anticipatory bail) that the proclamation was executed only on 29.02.2020 as per report of ASI Nirbhay Singh. 30 days period was to start from 29.02.2020 and fresh period ought to have been fixed.

*Learned counsel for the petitioner relies upon **Ashok Kumar vs. State of Haryana 2013***

(4) RCR (Crl.) 550.

Notice of motion for 10.02.2021.

By the adjourned date, learned counsel for the petitioner may apprise this Court whether FIR under Section 174-A IPC has been registered or not.

Learned counsel for the complainant, however, opposed the petition on the ground that the factum of order declaring the petitioner to be proclaimed offender was very much known to the petitioner and he did not appear in the Court intentionally.

At this stage, by taking note of the requirement as arising out of ratio of **Ashok Kumar's case (supra)** and also in view of prevailing situation arising out of pandemic COVID-19, I deem it appropriate to quash the order dated 10.11.2020 passed by Judicial Magistrate 1st Class, Sangrur.

Petition stands disposed of.

September 30, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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