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

**CRM-M No.25796 of 2021 (O&M)
Date of Decision:14.10.2021**

Kulwinder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. B. K. Mehta, Advocate
for the petitioner.
Mr. Amar Ashok Pathak, Addl, AG, Punjab
Mr. Vijay Lath, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

Learned counsel for the petitioner has assailed the order dated 12.03.2020 passed by Judicial Magistrate First Class vide which petitioner was declared as proclaimed offender in case arising out of the FIR No. 52 dated 24.06.2019 under Sections 307, 323, 325, 506 and 34 , registered at Police Station PS Nurmahal, Jalandhar.

Learned counsel for the petitioner submits that no satisfaction has been recorded by the trial court while passing the impugned order. The proceedings under taken by the court for declaring the the petitioner as proclaimed offender suffered from inherent defect and are not in consonance with the law laid down **in Ashok Kumar versus State of Haryana and antother 2013(4) RCR Crl. 550 .**

The factual position of the case has been admitted by the learned counsel for the complainant.

Per contra, learned State counsel could not point out any such compliance of mandatory provisions of Section 82 Cr. P C. which may be considered sufficient for treating the impugned order to be a validly passed order.

After hearing both the parties, I deem it appropriate to quash the order dated 12.03.2020 passed by the court of JMIC Phillaur in case arising out of the FIR No. 52 dated 24.06.2019 under Sections 307, 323, 325, 506 and 34 , registered at Police Station PS Nurmahal, Jalandhar.

Normal consequences to follow.

(RAJ MOHAN SINGH)
JUDGE

14.10.2021
Riya

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