

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

CRM-M-30852-2021

Date of Decision: 04.08.2021

Surinder Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Jagdeep Singh Chahal, Advocate
for the petitioner.

Mr.Sarabjeet Singh Cheema, AAG, Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of the orders dated 25.07.2017 (P-3) and 07.03.2018 (P-8) passed by learned Additional Chief Judicial Magistrate, SAS Nagar, whereby the bail bonds of the petitioner were cancelled and he was declared proclaimed offender in case FIR No. 60 dated 19.03.2015, under Sections 382, 379, 380, 411 IPC (Section 473 IPC added later on), registered at Police Station Sohana, District SAS Nagar Mohali.

Notice of motion.

Mr.Sarabjeet Singh Cheema, AAG, Punjab accepts notice on behalf of the respondent – State.

Arguments heard and paper-book perused.

Ld. Counsel for the petitioner has stated that the FIR was

registered against the petitioner and three others namely, Neeraj Sharma, Maninder Singh, Amrinder Singh @ Laddi. All the four accused including the petitioner were arrested. The petitioner was released on regular bail and, thereafter, he continuously appeared before the Court. But he failed to appear on 23.05.2017 because of which his bail/surety bonds were ordered to be cancelled and non-bailable warrants were issued against him. Vide order dated 23.02.2018 the petitioner was declared proclaimed offender.

He has contended that the proclamation order is not legally sustainable as the mandatory 30 days period prescribed under 82(1) Cr.P.C. was not granted to the petitioner to appear before the Court. He has referred to the order dated 23.02.2018, which reflects that the proclamation was effected on 27.01.2018 calling upon the petitioner to appear before the Court on 23.02.2018. The statutory period of 30 days had not elapsed on 23.02.2018. The matter was adjourned to 07.03.2018 for awaiting the presence of the petitioner. On 07.03.2018, the petitioner was declared proclaimed offender.

Learned counsel for the petitioner states that in fact, the petitioner has been residing in his house with his family since 23.05.2017, but summons or notices of proclamation were never received by him. Thereafter, he was also booked in case FIR No.180 dated 28.05.2020, under Sections 323, 452, 506 and 34 IPC, registered at Police Station Sohana, District SAS Nagar, Mohali. He was released on bail in that case vide order dated 30.05.2020. Ld. Counsel

thereby contends that it was never the intention of the petitioner to evade the process of law nor he ever intended to disobey the order of the Court or to avoid his appearance for the trial.

Taking into account the facts of the present case, this petition is allowed and the impugned orders are set aside. The petitioner may appear before the Court on or before 31.08.2021. He would also file an undertaking that he would continue to appear on each and every date of hearing before the Trial Court without any default.

August 04, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No