

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

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CRM-M-37740-2021

Date of Decision : September 14, 2021

SURENDER @ TISU @ PISU RAM

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. D.P.S.Bajwa, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for the quashing of impugned order dated 30.09.2015 (Annexure P-13) which has been passed by the learned JMIC, Narwana, District Jind in a trial pertaining to FIR No.92 dated 25.04.2012 (Annexure P-1) under Section 59 of the Arms Act 1959 registered at P.S. Narwana Sadar, District Jind, vide which the petitioner was declared as a proclaimed person.

It has been submitted by the learned counsel for the petitioner that the petitioner was not produced before the trial Court from time to time because he was in custody of jail authorities in some other case but he was on bail in the present case, but for a number of times, the jail authorities did not produce him and he referred to various interlocutory orders in this regard. Thereafter, vide Annexure P-6, the learned trial Court passed the order dated 13.04.2015 that the production warrants issued to the District Jail, Jind were received back with the

report that the accused (petitioner) is not confined in District Jail and the accused (petitioner) was on bail and no intimation was received about the absence of the accused (petitioner). Therefore, the learned Trial Court issued warrants of arrest against the accused (petitioner) with notices to his surety and identifier. Thereafter, his surety was also forfeited and the Tehsildar concerned was directed to recover the surety amount. On 04.07.2015 fresh warrant of arrest was issued against the petitioner for 05.08.2015 and on 22.07.2015 the surety of the petitioner deposited a sum of Rs.10,000/- before the Court which was forfeited. Thereafter, the surety was discharged. Thereafter on 05.08.2015 warrant of arrest issued against the petitioner was received back unexecuted and earlier also they have been received back unexecuted for a number of times and the Court came to the conclusion that the accused (petitioner) cannot be brought to the Court by such ordinary process and, therefore, proclamation proceedings under Section 82 of the Code of Criminal Procedure be initiated against the petitioner for 29.08.2015. The executing Constable executed the proclamation on 24.08.2015 and gave a report that he had gone to the house of the accused (petitioner) where he was not found present and after sufficient enquiry, no clue was found and the brother and mother of the accused (petitioner) told that he had no visiting terms with them and rather they have disowned him from the house. Thereafter, one copy of the proclamation was pasted in front of his house and *Munadi* was also got conducted from Watchman. The second copy of the proclamation was pasted on the notice board of the Court on 24.08.2015 and the third copy of the proclamation was presented alongwith report to

the Trial Court. Thereafter, vide impugned order dated 30.09.2015 (Annexure P-13), the learned JMIC, Narwana, District Jind after expiry of 30 days, declared the petitioner as a proclaimed person.

Learned counsel for the petitioner submitted that the petitioner was not present at the house and the proclamation was not served upon him and, therefore, he could not come present in the Court. He further submitted that subsequently in the year 2016, the petitioner was arrested in another case, but was released on bail but the police did not care to produce him before the Court and therefore, the present proclamation proceedings declaring the petitioner as a proclaimed person were not sustainable.

I have heard the learned counsel for the petitioner.

The impugned order was passed on 30.09.2015, which is almost six years ago. A perusal of the interlocutory orders referred to by the learned counsel for the petitioner would show that the petitioner while on bail had absconded and when the proclamation proceedings were initiated against him he was not found at his house and due process of law was followed under Section 82 of the Code of Criminal Procedure. Thereafter, on the expiry of 30 days, vide impugned order dated 30.9.2015 the petitioner was declared as a proclaimed person. The learned counsel for the petitioner has not been able to make any ground as to how the process followed by the learned Trial Court was erroneous. The process under under Section 82 of the Code of Criminal Procedure was duly complied with and now after a period of about 6 years of his declaration as a proclaimed person, the petitioner has challenged the

order dated 30.09.2015 without any basis.

Therefore, this Court does not find any illegality or perversity in the impugned order passed by the learned Trial Court vide Annexure P-13.

Consequently, the present petition is, hereby, dismissed.

September 14, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No