

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(114)

CRM-M-47582-2021

Date of decision: - 12.11.2021

Viney Grover

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gurbir Singh Sidhu, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed for quashing of order dated 20.04.2021 (Annexure P-2) whereby the petitioner has been declared as proclaimed offender in FIR No.21 dated 12.03.2016, registered under Sections 457, 380, 342 and 506 IPC, at Police Station Dhanaula, District Barnala.

Learned counsel for the petitioner argues that the petitioner is ready to join the proceedings and order passed by the learned trial Court dated 20.04.2021 (P-2), by which, he has been declared as proclaimed offender, is without complying with Section 82 of the Code of Criminal Procedure as mandatory notice of 30 days was not given to the petitioner, which fact is clear from the proclamation, which has been appended as Annexure P-9. Learned counsel for the petitioner further argues that the

proclamation was issued on 28.10.2020 for 11.11.2020, which is less than 30 days and even as per the report of the officer concerned who executed the said proclamation, the petitioner was not residing at the given address in the proclamation. Learned counsel for the petitioner submits that the petitioner will be satisfied at this stage in case he is protected when he surrenders before the trial Court.

Notice of motion to respondent.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case, prima facie, this Court is of the view that there is non-compliance of Section 82 of the Code of Criminal Procedure. Be that as it may, once the petitioner has undertaken before this Court that he is ready to join the proceedings, let the petitioner surrender before the learned trial Court within a period of two weeks from today and in case he surrenders, he be extended the benefit of anticipatory bail by the trial Court to its satisfaction, if applied for.

Present petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

November 12, 2021
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No