

CRM-M-48212-2021

Date of Decision : 22.11.2021

Manvir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Mr. M.S. Dhami, Advocate
for the petitioners.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

Mr. Vinod Kumar, Advocate for complainant.

ANOOP CHITKARA, J (ORAL)

Being aggrieved, the petitioner-accused has come up before this Court under Section 482 Cr.P.C. for quashing of the impugned order dated 12.10.2017 (Annexure P-1) passed by Addl. Civil Judge (Sr. Divn.)-cum-Sub-Divisional Judicial Magistrate, Dasuya, vide which the petitioner has been declared as proclaimed person in case FIR No.0005, dated 12.01.2017 under Section 420 of the Indian Penal Code, 1860, registered at Police Station Dasuya, District Hoshiarpur, Punjab and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner has offered explanation in respect of his non-appearance on 12.10.2017 that he was in Dubai at the time of registration of FIR against him, even after that he has not visited India. Hence, he has been wrongly declared as a proclaimed offender. As the petitioner was not in India, therefore issuance of proclamation at the residence of the petitioner in India is itself not as per law.

Given the explanation offered and the compromise Annexure P-2, this Court finds mercy in the explanation offered. In the facts and circumstances peculiar to this case, this petition is allowed and the impugned order dated 12.10.2017 (Annexure P-1) is hereby quashed and set aside. As the petitioner is already directed to appear before the learned trial Court vide separate order passed in **CRM-M-48382 of 2021**, there is no need to direct him to appear before the trial Court in this petition.

The petition is allowed with the aforesaid terms.

(ANOOP CHITKARA)
JUDGE

November 22, 2021
Manpreet

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No