

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

118

CRM-M-49674-2021

Date of Decision: November 26, 2021

Kamaljit Ram @ Kawaljit Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Dhawan, Advocate  
for the petitioner.

Mr. H.S. Sitta, Asst. AG, Punjab.

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ANOOP CHITKARA J. (ORAL)

The petitioner-accused has come up before this Court under Section 482 Cr.P.C. for quashing of the impugned order dated 24.09.2019 (Annexure P-2), passed by the Court of learned Judicial Magistrate, Ist Class, Phagwara, vide which the petitioner has been declared proclaimed person in FIR No.67 dated 21.03.2018, registered under Section 420 IPC at Police Station Sadar, Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that at the time of filing of the above said FIR, the petitioner was in Italy and no notice was served upon him regarding the said FIR. Even after the registration of FIR, he had not come back. Factum of registration of FIR come to the notice of the petitioner when he planned to return to India. Learned counsel for the petitioner further submits that the petitioner is ready and willing to appear before the trial Court.

Given the explanation offered and circumstances peculiar to this case, this petition is allowed.

Consequently, the impugned order dated 24.09.2019 (Annexure

P-2) is set aside qua the petitioner, subject to the condition that the petitioner shall appear before the concerned trial Court on or before 24.12.2021. Failing which, this order shall stand automatically recalled under Section 362 Cr.P.C. without calling any further reference from this Court. It is also made clear that till the date of petitioner's appearance on 24.12.2021 before the trial Court, no coercive step to be taken against the petitioner.

Petition is allowed in the aforesaid terms.

**(ANOOP CHITKARA)**  
**JUDGE**

**November 26, 2021**  
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| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No  |