

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2824-2022

Date of decision : 24.1.2022

Dilawar Singh

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. L.S. Mann, Advocate
for petitioner.

Mr. Rehat Bir Singh Mann, DAG Punjab.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

The petitioner has impugned the order dated 6.6.2011 passed by learned Sub Divisional Judicial Magistrate, Dasuya whereby the petitioner has been declared a proclaimed offender.

The petitioner is an accused in case FIR No. 50 dated 8.11.2009 registered under Sections 324, 323, 34 IPC at Police Station Gardhiwal, District Hoshiarpur. His father and brother were also co accused in said FIR. The matter was investigated and challan was filed. The petitioner and other co accused repeatedly appeared before trial Court. During the pendency of trial, petitioner went abroad in order to earn his livelihood.

As the petitioner did not appear before trial Court on certain dates, proclamation proceedings were initiated against him and he was declared a proclaimed offender vide impugned order.

Mr. Mann, learned counsel for petitioner states that the impugned order has been passed in violation of the conditions prescribed in Section 82 Cr.P.C. After the publication of proclamation, the minimum 30 days notice, as mandated by aforesaid section, was not given to the petitioner to appear before trial Court. He states that co accused of petitioner were convicted. However, they were released on probation. He states that it was never the intention of petitioner to evade the process of law. The petitioner is ready and willing to appear before trial Court to face the trial.

Accordingly, the petitioner may appear before trial Court on or before 30.3.2022. On his appearance before trial Court, he shall be released on interim bail by trial Court to its satisfaction. This shall however be subject to deposit of an amount of Rs. 100000/- (Rupees one lakh) in the Central Shaheed Ajit Singh Police Welfare Fund, O/o DGP, Punjab, Chandigarh, Welfare Branch, CPO, Punjab. He shall also furnish an undertaking that he would appear before the Court as and when directed.

(HARINDER SINGH SIDHU)
JUDGE

24.1.2022

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No