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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13884-2022 (O&M)

Date of decision : 4.4.2022

Jagdeep Singh

... Petitioner

Versus

UT, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. AS Sidhu, Advocate for the petitioner.

Mr. J.S. Toor, Addl. P.P.
for UT Chandigarh.

SANT PARKASH, J.

The present petition under Section 482 Cr.P.C. has been filed for setting aside the order dated 10.03.2022 (P-2) passed by learned Chief Judicial Magistrate, Chandigarh vide which, the petitioner has been declared proclaimed offender in case FIR No. 274 dated 24.07.2018 registered under Sections 457, 380 and 411 IPC at Police Station Sector 36, Chandigarh.

Brief facts of the case are that the petitioner is an accused in FIR in question and is on bail. On 30.07.2019, he did not appear before the learned trial Court. Accordingly, the learned Chief Judicial Magistrate, Chandigarh cancelled his bail order and issued warrants of his arrest. Thereafter, proclamation was issued against the petitioner vide order dated 6.12.2021 and a notice under Section 82 Cr.P.C. was issued. Proclamation proceedings were, thus, initiated against the petitioner. Consequently, the

petitioner was declared proclaimed offender vide order dated 10.3.2022.

Learned counsel for the petitioner submits that the learned trial court has not issued any notice to the petitioner before cancelling his bail. He further submits that the petitioner was declared proclaimed offender without adopting the due procedure. He also submits that since the petitioner was involved in two other FIRs in District Patiala, the police was regularly raiding the house of the petitioner to arrest him and therefore, he could not appear before the trial Court on 30.07.2019 in the present case.

Learned counsel for the respondent U.T. Chandigarh prays that the present petition is liable to be dismissed as the impugned order does not suffer from any patent illegality.

This Court has heard the learned counsel for the parties and perused the case file.

A bare perusal of the case file would reveal that the petitioner was on bail and he did not appear on 30.07.2019, thus, constrained the learned trial court to cancel his bail bonds. The contention of the petitioner that he was not issued any notice before cancelling his bail is not a pre-requisite condition for cancelling the bail since he was admitted on bail and supposed to appear before the learned trial Court on each and every date without making any default.

The second contention of the petitioner that the proclamation proceedings are not in consonance with the provisions envisaged in the Cr.P.C., however, the perusal of the case file shows that a clear cut 30 days notice was published but the petitioner himself chose not to appear during this period and ultimately he was declared proclaimed offender after it was

found that he is evading his arrest.

The last contention of the learned counsel for the petitioner that the petitioner could not appear before the learned trial Court as he was involved in other two FIRs is totally an after thought as the matter was fixed for 30.07.2019, whereas as per his own contention, he was arrested on 16.08.2019. Therefore, there is no ground to interfere and quash the impugned order dated 10.03.2022, which is well reasoned and in consonance with the provisions of the Criminal Procedure Code.

In view of the above, the present petition is dismissed, being devoid of any merit.

04.04.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO