

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33656-2021 (O&M)
Date of Decision:-24.03.2022

TEJWANT SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

KARAMJIT SINGH, J. (Oral)

CRM-32949-2021

Allowed as prayed for subject to all just exceptions and copy of order dated 27.1.2020 passed by Judicial Magistrate Ist Class, Jalandhar (Annexure P-11) is taken on record.

Main Case

The petitioner has challenged order dated 24.2.2020 (Annexure P-10) whereby he has been declared as proclaimed person in case FIR No.48 dated 4.3.2017 registered under Sections 406, 420, 120-B IPC at Police Station Navi Baradari, District Jalandhar.

From the perusal of order dated 21.12.2019 (Annexure P-9 collectively) passed by the Court of Judicial Magistrate Ist Class, Jalandhar, the proclamation of the petitioner was ordered to be issued for 27.1.2020. As per order Annexure P-11 dated 27.1.2020, it transpires that proclamation

of the petitioner was effected on 10.1.2020. However, as the statutory period of 30 days had not elapsed, the case was adjourned to 24.2.2020 for awaiting presence of the petitioner. As per Annexure P-10, the petitioner was finally declared as proclaimed person vide order dated 24.2.2020 by the aforesaid Court.

From the above, it is clear that statutory period of 30 days for appearance of the petitioner before the Court concerned from the date of publication of proclamation was not given by the Court concerned in compliance of the provisions of Section 82 Cr.P.C. In this context, reference be made to the decision of this Court passed in **Ashok Kumar v. State of Haryana and another 2013 (4) RCR (Criminal) 550**. The impugned order being illegal, is liable to be set aside.

Consequently, the present petition is allowed and the impugned order is set aside. The petitioner is directed to appear before the trial Court within one month from today and should seek regular bail. The petitioner is hereby granted interim bail till his appearance in the trial Court.

(KARAMJIT SINGH)
JUDGE

24.03.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No