

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

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**CRM-M-36725-2022
Date of Decision : 18.10.2022**

Mani Sharma

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Varun Sharma, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for respondent No.1-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of order dated 13.10.2021 (Annexure P-1) passed by the trial Court whereby the petitioner has been declared proclaimed offender.

Brief facts of the case are that one FIR No.198 dated 12.12.2018 under Sections 406 and 420 of the Indian Penal Code, 1860,; Section 254 of the Immigration Act; Section 12 of the Passport Act and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 was registered against the petitioner for committing fraud of Rs.4,50,000/- on the pretext of sending respondents No.2 and 3 to Germany. The trial Court vide impugned order dated 13.10.2021 declared the petitioner as proclaimed offender.

Learned counsel for the petitioner contends that the trial Court without following the mandate of Section 82 of the Cr.P.C. issued proclamation dated 11.02.2021 against the petitioner and wrongly declared him as proclaimed offender vide impugned order dated 13.10.2021. The petitioner was not residing at India when proclamation was issued. The petitioner has compromised the matter with respondents No.2 to 4 and the petitioner had approached this Court by filing CRM-M-31809-2021 for quashing of FIR. The petitioner is also ready and willing to appear before the trial Court.

On the other hand, learned State counsel opposes the present petition.

I have heard learned counsel for the petitioner as well as learned State counsel and perused the paperbook.

In view of the facts and circumstances of the case, the petitioner is directed to appear before the trial Court within 15 days from today. On his doing so, the petitioner shall be released on bail, subject to his furnishing the bail bonds and surety bonds to the satisfaction of the trial Court.

Disposed of.

(ASHOK KUMAR VERMA)
JUDGE

18.10.2022
Kothiyal

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