

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

Sr. No.209-2

CRM-M-35856-2020

Date of decision: 08.04.2022

Kamlesh Kaur and others

....Petitioners

Versus

State of Punjab and others

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vivek Thakur, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Angad Parmar, Advocate
for respondents No.2 and 3.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., the petitioners seek quashing of orders dated 17.06.2020 and 30.07.2020 through which petitioner No.3 and petitioners No.1 and 2 respectively had been declared as proclaimed offenders.

The short ground on which the petitioners seek quashing of the impugned orders is that from the date of lodging of the FIR i.e. 17.01.2019 till the date of the passing of the impugned orders the petitioners were residing in Germany. Therefore, the impugned orders were passed without service of any notice to them and are thus in violation of the procedure prescribed under Section 82 Cr.P.C. In support of their claim the petitioners have relied on copies of their passports which are ordered to be taken on record.

The above factual position is not denied by the learned counsel appearing for the respondents.

In the light of the above factual position, it is clear that before declaring the petitioners to be proclaimed offenders they were neither served nor any proclamation was done in any conspicuous place of the town or village in which they ordinarily resided. Therefore, their declaration as proclaimed offender was in violation of the procedure prescribed under Section 82(2)(i)(a) Cr.P.C. Thus, the impugned orders are illegal and resultantly quashed.

The present petition is allowed in the above terms.

April 08, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No