

CRM-M-45744-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45744-2022

Date of Decision: 14.10.2022

Sachin Markanda

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vikram Jeet Singh, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

This second petition has been filed by the petitioner under Section 482 Cr.P.C. for setting aside order dated 17.5.2022 passed by the Court of learned Judicial Magistrate, 1st Class, Hoshiarpur (Annexure P-9) by virtue of which, the petitioner has been declared as proclaimed offender in a criminal case having FIR No.268 dated 29.11.2020 P.S. Model Town, Hoshiarpur.

Counsel for the petitioner submits that the impugned order has not been passed in consonance with the provisions of Section 82 of Cr.P.C. as statutory period of 30 days was not provided to the petitioner for his appearance in the Court concerned from the date on which his proclamation was published as is evident from Annexures P-8 and P-9.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State.

I have heard the counsel for the parties.

From the perusal of orders Annexures P-2 and P-5, it appears that the trial Court issued non-bailable warrants of arrest against the petitioner but the same were received back unexecuted and finally, the Court concerned issued proclamation of the petitioner under Section 82 of Cr.P.C. As per Annexure P-8, the concerned Court on 19.4.2022 issued proclamation of the petitioner under Section 82 of Cr.P.C., as per which, the petitioner was directed to appear before the said Court on 17.5.2022. From the perusal of Annexure P-9, it appears that proclamation against the petitioner was received back duly effected and he was declared as proclaimed offender vide order dated 17.5.2022. So, it is clear that the impugned order whereby the petitioner was declared as proclaimed offender was not passed in conformity with the provisions of Section 82 of Cr.P.C. as 30 days clear time was not given to the petitioner to appear before the Court concerned from the date of publication of his proclamation. So, the impugned order is totally illegal and deserves to be set aside.

In view of above, the present petition is allowed and impugned order 17.5.2022 (Annexure P-9) is set aside.

(KARAMJIT SINGH)
JUDGE

October 14, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No