

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 51824-2021
Reserved on 02.03.2022
Pronounced on : 31.03.2022

Gurmukh SinghPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chanchal K. Singla, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
106	09.08.2017	Amargarh, District Sangrur, Punjab	420, 465, 468, 471 IPC and Section 24 of Immigration Act

Seeking quashing of proclamation order Annexure P-10 dated 31.05.2018, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. Petitioner has annexed the copy of his passport as Annexure P-2. The State does not dispute the same at this stage. A perusal of the Visa stamps on passport reveals that the petitioner Gurmukh Singh had departed from India vide immigration stamp dated 26 Jun 2017 and arrived back on 27 Nov 2018. A perusal of FIR Annexure P-1 reveals that it was registered on 9 Aug 2017, i.e., after the petitioner had departed from India.

3. A reference to the impugned order Annexure P-10 reveals that there is no reference to the fact that the petitioner was away from India. Given above, there was no knowledge to the petitioner about appearance as contemplated under section 82 CrPC. Thus, the order is arbitrary and did not afford reasonable opportunity as mandated under Section 82 of CrPC.

4. Given above, the impugned order dated 31-05-2018, passed by Ld. JMIC Malerkotla, is set aside. Consequently, the non-bailable warrants issued against the petitioner in the FIR captioned above, shall not be enforced. The petitioner is directed to appear before the concerned court within thirty days. He shall be at liberty to apply for bail, in any court

following the law. If the petitioner fails to appear within thirty days from today, it might be considered that if released on bail, it may not be feasible to produce the accused to face the trial.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

31.03.2022
Sonia arora

Whether speaking/reasoned: Yes
Whether reportable: **No.**