

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

114

**CRM-M-8468-2023
DECIDED ON: 17.02.2023**

Lovepreet Singh @ Love

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Vivek K.Thakur, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J (ORAL)

Instant petition has been filed under Section 482 Cr.P.C for setting aside the order dated 09.04.2021, passed by the Additional Chief Judicial Magistrate, Kapurthala (Annexure P-14) vide which the petitioner has been declared as 'Proclaimed Offender' in case FIR No. 210 dated 28.08.2020, under Sections 302, 326, 323, 506, 427, 452, 460, 148 and 149IPC, registered at Police Station Sadar District Kapurthala (Annexure P-1).

Learned counsel for the petitioner submits that since the petitioner was not in India at the time of registration of the FIR, without complying with the provisions of Section 82 Cr.P.C, the proclamation process was executed against him but not at the place where he was ordinarily residing and inspite of giving 30 days time to appear before the Court, he failed and was declared Proclaimed Offender.

In view of the submissions made above, the petition is disposed of with direction to the petitioner to appear and surrender before the trial Court within seven days and move appropriate application for grant of bail. Till then no coercive steps be taken against the petitioner. The trial Court on such application being moved shall decide it expeditiously in accordance with law. It is, however, made clear that in case the petitioner fails to appear and surrender before the Court below within the above stipulated time period, then this order shall be of no avail to him.

17.02.2023

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**(MANJARI NEHRU KAUL)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*