

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**Sr. No.246****Case No. : CRM-M-9345-2022****Date of Decision : January 31, 2023**

Amit Raina

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. for quashing of order dated 09.12.2021 (Annexure P-11) passed by learned Chief Judicial Magistrate, Jalandhar, in case FIR No.209 dated 20.07.2020, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Division No.6, District Jalandhar, declaring the petitioner as 'proclaimed person'.

Learned counsel for the petitioner states that the case in hand was registered on the basis of an application moved by the complainant under Section 156(3) Cr.P.C. The petitioner was granted interim bail and thereafter, he joined investigation. He was unaware of the fact that he was declared proclaimed person. The warrant issued against the petitioner was received back unexecuted with the report that the petitioner was not residing at the given address.

A perusal of the impugned order would reveal that the statement of serving Constable was recorded on 09.12.2021 and the proclamation was effected on 02.04.2021 and 05.04.2021. Learned counsel further submits that proclamation was done in violation of law enunciated by this Court in **Ashok Kumar vs. State of Punjab** reported as **2013 (4) RCR (Criminal) 450**.

Learned counsel for the petitioner has further submitted that the petitioner applied for anticipatory bail and the same was allowed by a Co-ordinate Bench of this Court on 17.05.2022 vide order passed in **CRM-M-10756-2022 (O&M)**. Since the petitioner has already appeared before the Court, so, the order declaring him a proclaimed person ceases to be operative. Reliance in this regard has been placed on a judgment of this Court passed in **Smt. Deeksha Puri vs. State of Haryana – CRM-M-359-2012**, decided on 16.10.2012 by a Co-ordinate Bench of this Court.

Learned State Counsel, on the other hand, opposed the prayer made by learned counsel for the petitioner.

Heard.

In this case, the petitioner has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 17.05.2022. In view of law laid down in **Deeksha Puri (supra)**, the order declaring the petitioner a proclaimed person ceases to be operative as he had already appeared before the competent Authority.

Accordingly, without commenting upon the merits of the case,

the present petition is allowed and order dated 09.12.2021 (Annexure P-11) passed by learned Chief Judicial Magistrate, Jalandhar, in case FIR No.209 dated 20.07.2020, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Division No.6, District Jalandhar, declaring the petitioner as 'proclaimed person', is hereby quashed along with all consequential proceedings arising therefrom.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

January 31, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.