

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

CRM-M No.10735 of 2023
Date of decision: 1st March, 2023

Vishal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raminder S. Dhaliwal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 01.06.2019 vide which the petitioner has been declared as proclaimed offender by the learned trial Court in case bearing FIR No.221 dated 01.11.2017 (Annexure P-1) under Sections 392, 395, 482 IPC and Section 25 of the Arms Act pertaining to Police Station Kartarpur, District Jalandhar.

Learned counsel for the petitioner inter alia contends that notice as per the provisions of law was never served either with the warrants or the proclamation and hence, he was unaware about the registration of the FIR in question. While drawing the attention of this Court to the zimni orders, which have been annexed as Annexure P-4, learned counsel submits that there has been non-compliance of Section 82 Cr.P.C. as the petitioner was not give 30 days time to appear before the trial Court. Learned counsel submits that during the investigation,

the petitioner was found innocent. Learned counsel further submits that the impugned order would be gravely prejudicial to the petitioner, more so, since he was not found to be involved in the crime in question.

Notice of motion.

On the asking of Court, Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. Let a copy of the paper book be supplied to him.

Learned State counsel on instructions from ASI Lakhwinderjit Singh does not dispute the submissions made by the counsel opposite that the petitioner was found innocent during investigation and was placed in column No.2.

I have heard learned counsel for the parties and perused the relevant material on record.

A perusal of the zimni orders reveal that the petitioner was not given 30 days time to appear before the trial Court as provided for under Section 82 of the Cr.P.C. Further, since the petitioner was declared innocent during investigation, his declaration as proclaimed offender would not serve any useful purpose. Accordingly, the instant petition is allowed and the impugned order dated 01.06.2019 passed by the learned trial Court is hereby set aside.

(MANJARI NEHRU KAUL)
JUDGE

March 1, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No