

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CRM-M-13780-2023
Date of decision : 20.03.2023

Gurbaj Singh @ Balraj Singh

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Gursharan Singh, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of impugned order dated 06.09.2022 passed by learned Judicial Magistrate First Class, Sri Muktsar Sahib (Annexure P-2) whereby the petitioner was declared proclaimed person and FIR No.145 dated 23.08.2016 registered under Section 420/120-B of the Indian Penal Code, 1860 at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib and all consequential proceedings arising therefrom.

Brief facts of the case are that earlier the petitioner was regularly appeared before the trial Court. On 20.05.2022 the petitioner got absented as his counsel was died and after the death of his counsel, nobody informed the petitioner regarding the next date of hearing and when the petitioner enquired about the next date then he came to know that his bail bond was cancelled and warrants of arrest have been issued against him. Moreover, the trial Court wrongly declared the petitioner as proclaimed person without following the mandatory procedure as laid

CRM-M-13780-2023

2

down under Section 82 of the Cr.P.C. The petitioner never received warrant nor received any information regarding the declaration as a proclaimed person. Absence of the petitioner in the Court was neither intentional nor willful. The petitioner undertakes not to remain absent from the trial in future.

I have heard learned counsel for the petitioner and gone through the paper-book.

Perusal of the file shows that no sufficient reason has been given by the petitioner for his non-appearance before the Trial Court and there is no illegality in the impugned order dated 06.09.2022 passed by the trial Court. Keeping in view the nature of averments and negligent conduct of the petitioner, I do not deem it fit to quash the impugned order dated 06.09.2022.

Dismissed.

20.03.2023

kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No