

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

CRM-M-15056-2023

Date of Decision: May 15, 2023

RAVINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Wadhawan, Advocate and
Mr. Suvir Tandon, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 482 CrPC, prayer has been made for setting aside of order dated 16.02.2023 passed by the Court of JMIC IV, Kapurthala whereby the petitioner has been declared as proclaimed offender.

2. Having been implicated in FIR No.26 dated 12.05.2016 registered under Sections 12(1) of the Passports Act, 1967 read with Sections 420, 465, 471, 468 and 120-B, the petitioner was summoned vide order dated 20.12.2022. Having failed to appear before trial Court, proceedings under Section 82/83 CrPC were initiated against petitioner, vide order dated 20.12.2022 which culminated into passing of order dated 16.02.2023 whereby the petitioner was declared as proclaimed offender.

3. Learned counsel for the petitioner submits that the petitioner was living in Australia and no effort was ever made by

CRM-M-15056-2023

-2-

trial Court to serve him at his address in Australia by invoking Section 105 of CrPC. He refers to the contents made in the FIR in this regard wherein it was admitted by the complainant that petitioner was living in Australia.

4. On the other hand, learned State counsel submits that the petitioner was having due knowledge about pendency of proceedings before trial Court and was deliberately evading the process of law.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

6. A perusal of the FIR shows that even as per the complainant, the petitioner was staying in Australia and as such, the trial Court was required to verify the factum of his residence before proceeding under Section 82 of CrPC against him. An effort should have been made to effect service upon the petitioner by invoking Section 105 of CrPC through Embassy. The proceedings under Section 82 of CrPC carried out against the petitioner at his local address of village, Butala, P.O. Dhilwan, District Kapurthala were thus in fact a futile exercise without there being any effective intimation to the petitioner about the pendency of proceedings pending against him, arising out of the aforementioned FIR.

7. In view of the discussions made herein above, the impugned order dated 16.02.2023 passed by the Court of JMIC IV, Kapurthala declaring the petitioner as proclaimed offender is hereby set aside. The petitioner shall however appear before the trial Court

CRM-M-15056-2023

-2-

within a period of 10 weeks from today and furnish has bail bonds/surety bonds to its satisfaction.

8. The aforesaid order shall however be subject to cost of Rs.20,000/- to be paid to the State Legal Service Authority, Punjab within a period of four weeks.

15.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>