

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16361-2023
Date of Decision:-02.05.2023

MUNISH CHANDEL AND ANOTHER

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Baljinder Singh, Advocate
for the petitioners.

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KARAMJIT SINGH, J. (Oral)

1. Present petition has been filed by the petitioners seeking quashing of order dated 9.8.2022 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, SAS Nagar (Mohali), whereby the petitioners have been declared proclaimed offender in FIR (Annexure P-1).
2. The counsel for the petitioners *inter alia* contends that before passing the impugned order, no notice or warrants issued by the learned trial Court were ever received by the petitioners. The counsel for the petitioners further submits that even otherwise the impugned is not passed in consonance with provision of Section 82 Cr.P.C. as statutory period of 30 days has not been provided to the petitioners for his

appearance w.e.f from the date of the publication of the aforesaid proclamation. The counsel for the petitioners referred to various orders passed by the trial Court including Annexure P-18 and Annexure P-19. The counsel for the petitioner further submits that the petitioners are ready to join the proceedings in the learned trial Court.

- 3. Notice of motion.
- 4. On the asking of the Court, Mr. Chaman Lal Pawar, Addl. A.G. accepts notice on behalf of State of Punjab and on instructions from ASI Harwinder Singh submits that there is no illegality or infirmity in the impugned order passed by the learned trial Court.
- 5. I have gone through the various zimini orders placed on record by the counsel for the petitioners. From the perusal of the same, it is apparent that the impugned order was not passed in accordance with law as mandatory period of 30 days was not given to the petitioner to appear before the Court concerned from the date of publication of proclamation. In this context reference is made to Ashok Kumar vs. State of Haryana 2013(4) RCR (Criminal) 550.
- 6. In the light of the above, present petition is allowed and impugned order Annexure P-4 dated 9.8.2022 is hereby set aside.

02.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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