

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:052418
CRM-M-18271-2023
Date of Decision: April 17, 2023

Chander Shekhar alias Ricky ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition is to set aside the order dated 23.12.2016 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Jalandhar, whereby petitioner was declared as proclaimed person in case FIR No.277, dated 25.12.2013, registered at Police Station Navi Bardari, Jalandhar City, under Sections 382/34 of IPC.

Concededly, petitioner was earlier on bail and was facing trial. He absented during trial and necessary process was issued to procure his presence. Proclamation was directed to be issued vide order dated 04.10.2016 for 15.11.2016 as warrants of arrest were received back unexecuted. As per order dated 15.11.2016, proclamation was received duly executed as the same had been published on 20.10.2016. Since the period of 30 days had not elapsed, so matter was adjourned to 23.12.2016. Later on, vide impugned order dated 23.12.2016 (Annexure P-2), petitioner was declared proclaimed person, despite the fact that no proclamation had been issued for that date i.e. 23.12.2016. It is further contended that other co-accused, namely Amit Sood @ Ashu and Gurmidner Singh @ Rajvir Singh @ Sai have since been acquitted, vide judgment dated 24.07.2018.

It is evident from the aforesaid proceedings that due to own conduct of the petitioner, he has been declared proclaimed person. He wants to take benefit of the technical defect in the sense that proclamation had not been issued for that date, on which he was declared proclaimed person.

Having regard to the aforesaid facts and circumstances, the petitioner is directed to surrender before the Trial Court within 15 days from today. In the meantime, he shall not be arrested on account of proclamation having been issued against him. On appearance, he shall be admitted to bail by the Trial Court on his furnishing requisite bonds. However, this order is subject to deposit of ₹50,000/- by the petitioner in the account of District Legal Services Authority, Jalandhar. In case, the petitioner fails to comply any of these directions, this petition shall be deemed to have been dismissed.

Disposed of.

April 17, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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