

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

CRM-M-23967 of 2020

Date of Decision: February 28, 2023

Rameshwar Dass Naharwal ...Petitioner
Versus
State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Suresh K. Jindal, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Maninder Singh, Advocate for
respondent No.2.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition is to quash orders dated 02.12.2017, 21.12.2017 and 18.01.2018 (Annexures P.2, P.3 and P.4) passed by learned Judicial Magistrate Ist Class, Karnal in Criminal Complaint No.NACT-1975 of 2017 dated 03.07.2017, titled 'Parveen Kumar Vs. Rameshwar Dass Narwal' and all the subsequent proceedings arising from these orders whereby the petitioner had been declared proclaimed person.

Learned counsel for the petitioner pointed out that vide order dated 02.12.2017 (Annexure P.2), after noticing that warrants of arrest issued to the accused have not received back, proclamation was directed to be issued for 21.12.2017, i.e. in the period of less than 30 days. As per order dated 21.12.2017 (Annexure P.3), the proclamation was effected on 10.12.2017 and so matter was adjourned for appearance of the accused-petitioner for 18.01.2018 despite the fact that no proclamation had been issued for 18.01.2018. On the next date of

hearing, i.e. 18.01.2018, petitioner was declared as proclaimed person despite the fact that there was no proclamation for that date. As per the legal position, a period of clear 30 days is required to be given to the accused- petitioner for surrendering before the Court concerned from the date of proclamation. However, in this case, proclamation was issued for 21.12.2017 and not for 18.01.2018 on which date, he was declared proclaimed person. Consequently, all these orders (Annexures P.2 to P.4) are held to be illegal and so, these orders and all the subsequent proceedings, including the FIR, if any, registered under Section 174-A IPC consequent to the order dated 18.01.2018, are quashed.

Disposed of.

February 28, 2023

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(DEEPAK GUPTA)

JUDGE

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