

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

147+311

CRM-M-27447-2023 (O&M)

Date of decision: 06.11.2023

Paras Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-38874-2023

For the reasons mentioned in the application, the same is allowed and copies of summons as well as the reports of the police officials are taken on record as Annexures P-8 to P-10 respectively subject to all just exceptions.

CRM-M-27447-2023

1. The petitioner is seeking setting aside/quashing of order dated 13.04.2023 (Annexure P-6) passed by learned JMIC, Abohar whereby he was declared a proclaimed person in case FIR No.0032 dated 11.03.2022 under Sections 458, 427, 323, 148, 149 of the IPC registered at Police Station Khuian Sarwar, District Fazilka.

2. Learned counsel for the petitioner submits that the impugned order had been passed without proper compliance of Section 82 of the Cr.P.C. Learned counsel submits that it was a matter of record that proclamation was issued before the expiry of mandated 30 days

period. Learned counsel further submits that the petitioner is willing and ready to appear, and surrender before the Trial Court. Hence, in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the Trial Court and with directions to the Trial Court that his bail application, which he would be filing on his surrender, be decided expeditiously.

3. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the Trial Court on or before 14.11.2023. Till then, no coercive steps be taken against the petitioner.

4. It is made clear that in case, the petitioner fails to surrender before the Trial Court on or before 14.11.2023, this order shall be of no avail to him, thereafter. In case, on appearance and surrender, the petitioner moves an application for bail before the Trial Court, the same shall be decided expeditiously, by the Trial Court, preferably within 02 days, in accordance with law.

06.11.2023
Vinay

(MANJARI NEHRU KAUL)
JUDGE

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