

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:093114
CRM-M-27470-2023 (O&M)
Date of Decision: July 24, 2023

Sukhchain Chand

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

CRM-26997-2023

This is an application to place on record the zimni orders passed by the Trial Court along with proclamation notice, affidavits and compromise as Annexures P-11 to P-15.

Allowed.

Annexures P-11 to P-15 are taken on record.

Main Case

Prayer in this petition is to quash FIR No.34, dated 17.03.2016, registered at Police Station Sultanpur Lodhi, District Kapurthala, under Section 420 of IPC and the subsequent proceedings including the report under Section 173 Cr.P.C.; and also the order dated 29.01.2020 (Annexure P-9) passed by learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, whereby the petitioner was declared proclaimed person.

Attention is drawn by learned counsel for the petitioner towards the fact that though the proclamation was issued vide order dated 12.06.2019 (Annexure P-11) for 09.09.2019, but the petitioner has been declared as proclaimed person on 29.01.2020, although there was no proclamation for that day i.e. 29.01.2020. By drawing attention

towards the various zimni orders passed by the Trial Court, it is pointed out that statement of serving police official was recorded on 09.09.2019, but as the mandatory period of 30 days had not elapsed, so matter was adjourned to 18.10.2019, then to 12.12.2019 and then to 29.01.2020, without issuing any proclamation.

Evidently, the impugned order dated 29.01.2020 (Annexure P-9), is illegal and cannot be sustained in the eyes of law, having been issued against the provisions of Section 82 Cr.P.C. as there was no proclamation for appearance of the petitioner in the Court on 29.01.2020.

As such order dated 21.09.2020 (Annexure P-9) is set aside.

Learned counsel for the petitioner submits that he does not press for his prayer to quash the FIR No.34, dated 17.03.2016, registered at Police Station Sultanpur Lodhi, District Kapurthala, under Section 420 of IPC and that he be relegated to appear before the Trial Court since compromise has already been effected amongst the parties. He also prays for granting protection, in the meantime.

Having regard to the fact that the order whereby the petitioner was declared proclaimed person, has been quashed, petitioner is directed to appear before the Trial Court on or before 11.08.2023. On his such appearance, he shall be admitted to bail by the Trial Court. If in the meantime, he is sought to be arrested on account of the fact that he has been declared proclaimed person, he shall be admitted to interim bail to the satisfaction of the Arresting Officer.

Disposed of.

Petitioner is also given liberty to file fresh petition for seeking quashing of the FIR in question on the basis of compromise, as per law, as requested by the counsel for the petitioner.

July 24, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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