

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-28180 of 2023(O&M)
Date of Decision: 31.05.2023

Deepak @ Deep @ Mana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Naveen Bawa, Advocate
For the petitioner.Mr. C.L. Pawar, Addl. AG Punjab.
***KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking quashing of the impugned order dated 26.04.2023 (Annexure P-6) whereby the petitioner has been declared as proclaimed person by the Court of learned Additional Sessions Judge, Ludhiana in criminal case having FIR No. 120 dated 0309.2020 registered under Sections 391, 395 and 397 IPC and Sections 25, 54 and 59 of Arms Act at Police Station Sadar, Ludhiana.
2. The counsel for the petitioner, *inter alia*, contends that the impugned order is not passed by the learned trial Court in conformity with the provisions of Section 82 Cr.P.C. as per which 30 days clear period is to be given to the accused person to appear in the Court concerned from the date of publication of proclamation. The counsel for the petitioner further submits that in the present case the proclamation of accused was issued by the learned trial Court for 01.03.2023 vide order dated 01.02.2023 and thus

it is apparent that the required statutory period of 30 days was not given by the learned trial Court for the purpose of appearance of the petitioner. So, prayer is made that the impugned order be set aside.

3. Notice of motion.

4. Mr. C.L. Pawar, Addl. AG Punjab accepts notice on behalf of State of Punjab. Learned State counsel, on instructions from ASI Satnam Singh, submits that the petitioner jumped bail and thereafter his non bailable warrants of arrest were issued and finally his proclamation under Section 82 Cr.P.C. was issued by the learned trial Court vide order dated 01.02.2023 and the date fixed for appearance of the petitioner was 01.03.2023 and thereafter it was extended to 27.03.2023 and finally the petitioner was declared as proclaimed person by the learned trial Court vide impugned order, Annexure P-6.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, proclamation of the petitioner under Section 82 Cr.P.C. was issued by the learned trial Court vide order dated 01.02.2023 and as per said proclamation the petitioner was directed to appear in the Court concerned on 01.03.2023 and from the perusal of Annexure P-5 it appears that 01.03.2023 the said date for appearance of petitioner before the Court concerned was extended to 27.03.2023. From the perusal of order dated 01.02.2023 it is apparent that 30 days time as provided in Section 82 Cr.P.C. was not given to the petitioner for his appearance before the Court concerned as the date fixed for that purpose was 01.03.2023 and even thereafter the period given to the petitioner for his appearance was also less than 30 days, as is evident from order dated 01.03.2023. So, it is evident that

the impugned order was not passed in consonance with the provisions of

Section 82 Cr.P.C. In this context, reference is made to the law laid down by this Court in **Ashok Kumar Vs. State of Haryana & Anr. (Crl. Misc. No. M-13638 of 2013, decided on 05.08.2013)**.

7. In light of above discussion, the impugned order is hereby set aside. The present petition stands disposed of in aforesaid terms.

(KARAMJIT SINGH)
JUDGE

31.05.2023
Jiten

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