

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(127)

CRM No. M-33693 of 2023
Date of Decision : 17.07.2023

Manoj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.S. Sahu, Advocate for the petitioner.

Ms. Gaganpreet Kaur, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed for quashing of order dated 08.06.2023 (Annexure P-4) passed by the Judicial Magistrate Ist Class, Bhiwani by which, the petitioner has been declared as a proclaimed offender.

Learned counsel for the petitioner argues that the present order is contrary to the provisions of Section 82 Cr.P.C. Learned counsel for the petitioner submits that the order dated 08.06.2023 (Annexure P-4) has been passed by taking into consideration the order dated 24.05.2023, wherein, it has been mentioned that the proclamation was effected on 06.05.2023, whereas, the order of proclamation itself was passed on 10.05.2023, hence, on the date of passing of the impugned order i.e.

08.06.2023, 30 days have not expired as required under Section 82 of Cr.P.C, hence, the impugned order dated 08.06.2023 (Annexure P-4) declaring the petitioner as proclaimed offender is liable to be set-aside.

Notice of motion.

Ms. Gaganpreet Kaur, learned Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the factum that the impugned order which was passed declaring the petitioner as proclaimed offender on 08.06.2023, has not been passed keeping in view the provisions of Section 82 of the Cr.P.C. and a wrong date has been noted in the order dated 24.05.2023, which has led to the passing of the incorrect order on 08.06.2023.

Keeping in view the facts and circumstances of the present case, the proclamation issued declaring the petitioner proclaimed offender dated 08.06.2023 is set-aside.

The factum that the petitioner has absconded the trial despite being granted the concession of anticipatory bail, cannot be ignored. The petitioner is not appearing before the court and no valid justification has been brought to the notice of this court on the ground that the counsel does not know the actual fact as to why the petitioner is not attending the proceedings of the court despite giving undertaking at the time of seeking anticipatory bail.

The petitioner is directed to surrender before the trial court within a period of next ten days. It may be noticed that within the said ten days, the petitioner will be at liberty to avail appropriate remedy in case, he wants to file any application seeking anticipatory bail, which petition will be decided expeditiously in case there is no impediment and the trial court will take appropriate action in the facts and circumstances of the present case.

Petitions stand disposed of in above terms.

July 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No