

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

**Neutral Citation No. 2023:PHHC:142462
CRM-M-53397-2023 (O&M)
Date of Decision: November 08, 2023**

Rajinder Kumar @ Rajinder Hans @ RK ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manmeet Singh Rana, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 482 Cr.P.C., petitioner prays for quashing of order dated 18.08.2018 (Annexure P-2) passed by the Trial Court concerned in case FIR No.220, dated 23.08.2014, under Sections 323, 324, 452 of IPC, registered at Police Station Ramamandi, District Jalandhar City, whereby petitioner was declared proclaimed person.

Learned counsel for the petitioner contends that petitioner was on bail. He could not appear in the Court on 12.12.2017, due to which bailable warrants were issued against him. Learned counsel has also pointed out that said warrants of arrest were issued without cancelling the bail of the petitioner. Since warrants of arrest remained unexecuted, the proclamation was directed to be issued vide order dated 24.04.2018. The proclamation was effected for 06.07.2018, as per order dated 07.07.2018. Since a period of one month had not elapsed by that time, therefore, the Court simply adjourned the matter to 18.08.2018 for awaiting the appearance of the petitioner and then declared him as proclaimed person by way of impugned order.

Learned counsel for the petitioner contends that the proclamation was effected on 06.07.2018 for 07.07.2018 as reflected in the order dated 07.07.2018 (Annexure P-8) and by that time 30 days period had not elapsed; and when the petitioner was declared proclaimed person on 18.08.2018, there was no proclamation for that date and thus, there is clear violation of Section 82 Cr.P.C.

Notice of motion to respondent No.1 only.

Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of respondent No.1- State.

Learned State counsel could not refute the aforesaid factual position, which is otherwise also evident from the various orders passed by the Trial Court concerned.

In view of the aforesaid circumstances, when the impugned order has been passed in clear violation of the provisions of Section 82 Cr.P.C., present petition is hereby allowed. The order dated 18.08.2018 (Annexure P-2), whereby the petitioner was declared as proclaimed person in case FIR No.220, dated 23.08.2014, under Sections 323, 324, 452 of IPC, registered at Police Station Ramamandi, District Jalandhar City, is hereby set aside.

November 08, 2023

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(DEEPAK GUPTA)
JUDGE

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