

**127-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2023:PHHC:150578
CRM-M-53901-2023
Date of Decision: November 28, 2023**

Onkar Singh @ Amna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Fatehjeet Singh, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of the order dated 31.10.2022 (Annexure P-3), whereby petitioner was declared as a proclaimed person in case FIR No.92 dated 09.05.2020, under Sections 406, 420 and 120-B of IPC, besides Section 13 of the Punjab Travel Professional Regulation Act, 2014, registered at Police Station Bhogpur, Jalandhar.

2. It is contended by learned counsel for the petitioner that petitioner was falsely implicated and illegally declared as proclaimed person by way of impugned order.

3. Attention is drawn by learned counsel for the petitioner towards the order dated 09.08.2022 (Annexure P-2), whereby proclamation against petitioner Onkar Singh @ Amna was directed to be issued for 30.09.2022. As per order dated 30.09.2022, the proclamation against petitioner Onkar Singh @ Amna was received effected on 28.09.2022 and since the statutory period of 30 days had not elapsed, so the matter was adjourned to 31.10.2022 for compliance of provisions of Section 82 Cr.P.C. and then on 31.10.2022, petitioner was declared proclaimed person.

4. Notice of motion.

5. Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent-State. Mr. Harkirat Singh Sandhu, Advocate has appeared for respondent No.2.

6. I agree with the contention raised by learned counsel for the petitioner that the impugned order dated 31.10.2022 is in violation of Section 82 Cr.P.C., inasmuch as no proclamation had been issued for 31.10.2022 when the petitioner was declared proclaimed person; whereas, on 30.09.2022, for which date the proclamation had been issued, the period of 30 days had not elapsed.

7. In view of the aforesaid reasons, the impugned order dated 31.10.2022 and all the subsequent proceedings arising therefrom are hereby quashed, qua the petitioner.

Disposed of.

November 28, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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