

2023:PHHC:159852

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

130

CRM-M-56406-2023
Date of Decision.:13.12.2023

Kanav Dhingra

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sanjeet Singh Taank, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 01.07.2023 passed by learned Judicial Magistrate 1st Class, Jalandhar, whereby petitioner was declared proclaimed person in a case arising out of FIR No.81 dated 06.06.2022 registered at Police Station Division No.4, District Jalandhar under Section 294-A of the IPC, 1860 and Sections 13-A, 3 & 67 of Punjab Gambling Act, 1867.

It is contended by learned counsel that proclamation under Section 82 Cr.P.C. was not effected in accordance with law. Attention is drawn towards the fact that vide order dated 12.04.2023 (Annexure P-2), proclamation was directed to be issued for 05.06.2023. The order dated 05.06.2023 (Annexure P-3) passed by learned Chief Judicial Magistrate would reveal that proclamation was effected on 28.05.2023. Thus, on 05.06.2023, period of 30 days had not expired. Faced with these circumstances, learned Chief Judicial Magistrate adjourned the matter to 01.07.2023, without issuing any fresh proclamation. It is on 01.07.2023 that petitioner was declared proclaimed person.

Learned counsel contends that there was no proclamation for 01.07.2023 when petitioner was declared proclaimed person.

Notice of motion.

Mr. Parneet Singh Pandher, AAG, Punjab accepts notice on behalf of respondent- State.

Learned State counsel could not refute the aforesaid contention that the impugned order dated 01.07.2023 is in gross-violation of Section 82 Cr.P.C.

In view of the aforesaid circumstances, impugned order dated 01.07.2023 (Annexure P-5), declaring the petitioner as proclaimed person is hereby set aside.

This petition is hereby disposed of with the direction to the petitioner to surrender before the Trial Court concerned within a period of 15 days from today. On his such appearance, the Trial Court will be at liberty to initiate proceedings under Section 446 Cr.P.C. against the petitioner and after disposal thereof, shall admit the petitioner to bail.

It is made clear that till the disposal of proceedings under Section 446 Cr.P.C., petitioner shall not be taken into custody. If in the meantime, petitioner is sought to be arrested, he shall be admitted to interim bail to the satisfaction of Arresting Officer.

(DEEPAK GUPTA)
JUDGE

December 13, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No