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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-239-2024
Date of decision: 08.01.2024

Arunpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of order dated 27.10.2022 Annexure P-5 passed by the Court of Additional Sessions Judge, Jalandhar whereby the petitioner has been declared as proclaimed person in criminal case having FIR No.188 dated 27.06.2017 under Sections 379-B, 212, 216, 482, 420 of IPC, 25 Arms Act and Section 15 NDPS Act Police Station Sadar Nakodar, District Jalandhar Rural.
2. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. That after the registration of the FIR the petitioner was arrested and granted regular bail vide order Annexure P-2 but thereafter due to some unavoidable circumstances, the petitioner failed to appear in the trial Court and consequently, his bail order was

cancelled and finally he was declared proclaimed offender vide order Annexure P-5. That the other accused who faced trial was acquitted by the Court of Additional Sessions Judge, Jalandhar vide judgment dated 19.07.2023 Annexure P-6. It is further contended that proper procedure was not followed by the learned trial Court while passing the impugned order and the same deserves to be satisfied.

3. Notice of motion.

4. Mr. Gurdarshan Singh Sidhu, AAG, Punjab accepts notice on behalf of the State. The state counsel while resisting the present petition submits that the petitioner jumped bail and consequently, he was declared proclaimed offender by the learned trial Court after following proper procedure and that there is no illegality in the impugned order Annexure P-5. However, the state counsel on instructions from ASI Zorawar Singh has not disputed the fact that co-accused Harpreet Singh @ Happy stands acquitted on conclusion of trial.

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

6. As per impugned order Amanpreet Singh, Jaspreet Singh and Ranjit Singh were declared as proclaimed offender. In the said order, there is no mention of petitioner Anupreet Singh. Even otherwise from the perusal of order dated 29.08.2022 passed by the learned trial Court, it appears that the proclamation of concerned accused persons was issued for 27.09.2022. The said proclamation appears to have been effected on 24.09.2022 and the persons concerned were directed to appear in the Court concerned on 27.09.2022 as per said proclamation. So it appears that the

proclamation proceedings were not conducted by the learned trial Court in conformity with the provisions of Section 82 of Cr.P.C which provides that at least 30 days period is to be given to the person concerned for his appearance before the Court concerned from the date of publishing of such proclamation. In the present case, the statutory prescribed period of 30 days was not provided to the petitioner to appear in the Court concerned. Thus, the impugned order Annexure P-5 was not passed in accordance with the statutory provisions of Section 82 of Cr.P.C. So the impugned order deserves to be set aside.

7. Consequently, the present revision petition is allowed and impugned order Annexure P-5 is set aside. The petitioner is directed to appear before the learned trial Court within next 10 days and to file application for grant of regular bail which is to be decided by the learned trial Court in accordance with law within 3 days thereof and till then in case of arrest the petitioner is to be released on interim bail by the trial Court/arresting officer to his own satisfaction.

8. The petition stands disposed of in aforesaid terms.

08.01.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**