

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2550-2024
Date of decision : 22.02.2024

CHANCHAL BALA ALIAS RAJNIPetitioner

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sandeep Arora, Advocate for the petitioner.
Mr. Harish Mehla, AAG, Punjab.
Mr. G.S. Rawat, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

On 18th of January, 2024 while issuing notice of motion following order was passed :

“Challenge is to the order dated 22nd of December, 2022 passed by the Addl. Chief Judicial Magistrate, Jalandhar whereby the petitioner has been declared as Proclaimed Offender in case FIR No.40 dated 30th of March, 2017 registered for the offences punishable under Sections 406/ 420/120-B IPC, at Police Station Division No.4, Jalandhar.

Counsel for the petitioner has drawn attention of this Court to the order dated 18th of August, 2022 (Annexure P-3) to submit that the mandatory period of 30 days was not adhered to prior to passing of the impugned order as the petitioner was ordered to be summoned by way of proclamation under Section 82 Cr.P.C. vide order dated 18th of August, 2022 for 1st of September, 2022. Apart therefrom he relies upon the fact that the parties have already compromised the matter.

Mr. G.S. Rawat, Advocate appears and files his memo of appearance on behalf of respondent No.2, which is taken on

record. He admits the factum of there being a compromise between the parties.

Issue notice of motion returnable for 22.02.2024.

Petitioner is directed to appear before the Trial Court on or before 24.01.2024.

Till further orders, operation of the impugned order dated 22nd of December, 2022 shall remain stayed. ”

Counsels for the parties are idem that the petitioner has now appeared before the concerned Court on 24th of January, 2024.

Mr. Arora submits that the petitioner undertakes to appear regularly without default during the course of trial.

Keeping in view that the mandatory period of 30 days was not adhered to while passing the order under Section 82 Cr.P.C. and the said fact by the counsels representing the respondents is not disputed, impugned order dated 22.12.2022 is hereby quashed.

The present petition is allowed. However subject to the condition that the petitioner shall not absent herself during the course of trial.

February 22, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No