

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3837-2024

Date of Decision: January 25, 2024

NARINDER SINGH

.....Petitioner

Versus

UNION TERRITORY, CHANDIGARH AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Beant Singh Seemar, Advocate for the petitioner.
Mr. Manish Bansal, P.P., UT Chandigarh and
Mr. Navjit Singh, Advocate for respondent No.1.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of impugned order dated 16.12.2023 arising out of FIR No.16 dated 28.01.2022 registered under Sections 420, 467, 468, 471 and 120-B IPC at P.S. Sector-26, U.T. Chandigarh passed by the trial Court whereby, the petitioner was declared as proclaimed offender.

2. On 24.01.2024 while issuing Notice of motion this Court passed the following order:-

“Learned counsel for the petitioner, inter alia, submits that the proclamation under Section 82 of Cr.P.C. was never read over in public place by the executant police official in consonance with Section 82 (2) (i) (a) of Cr.P.C., thereby making the entire proceedings vitiated and this fact is clearly discernible from the statement of executant police official which was recorded on 14.11.2023 (Annexure P-5).

Notice of motion.

Mr. Saksham Parmar, Advocate for Mr. Manish Bansal, PP, U.t., Chandigarh, accepts notice on behalf of respondent No. 1 and prays for a day's time to file reply in the matter.

List on 25.01.2024.

In the meanwhile, operation of the impugned order dated 16.12.2023 (Annexure P-7) declaring the petitioner as proclaimed offender, shall remain stayed."

3. In its opposition, learned counsel representing respondent No.1 submits that though, as per the statement of the Executant-Police Officer which was recorded on 14.11.2023, it is nowhere recorded that the proclamation was ever read over in public place, however, in the printed format of the Court concerned which was taken on record on 14.11.2023, it finds printed that the announcement of proclamation was made out in public and thus, there was substantial compliance of Section 82(i)(a) of CrPC.

4. I have heard learned counsel for the parties and gone through the paper-book.

5. A perusal of record shows that the actual statement of the Executant-Police Officer in-person was recorded by the trial Court on 14.11.2023 wherein, he nowhere mentioned that the proclamation was ever read over in public place, however, in the template which is in printed format, announcement of proclamation in the public place is there. Once the Executant-Police Officer while appearing in-person nowhere mentioned that the proclamation was read over in public place in consonance with Section 82(i)(a) of CrPC, the respondent No.1 cannot draw benefit of any template printed in this regard though signed by the Executant-Police Officer.

6. Accordingly, once the proclamation was never read over in public place, the same goes in violation of the mandate of Section 82 of CrPC. Resultantly, the order dated 16.12.2023 passed by the trial Court, declaring the petitioner as proclaimed offender is thus quashed.
7. In view of the aforesaid, the present petition stands allowed.

25.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

