



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

CRM-M-4631-2024
Date of decision: 20.11.2024

Satnam Singh Kundi and another ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Thakur, Advocate for the petitioners.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners seeking quashing of order Annexure P-2 dated 12.02.2019 passed by the Court of Chief Judicial Magistrate, Jalandhar vide which the petitioner is declared proclaimed person in a criminal case having FIR No.97 dated 19.05.2018, under Sections 420, 120-B IPC, Police Station Division No.4, Jalandhar.
2. The counsel for the petitioners inter alia submits that at the relevant time petitioners were not available in India. That even otherwise, impugned order Annexure P-2 was not passed by the trial Court in accordance with the provisions of Section 82 Cr.P.C as minimum statutory period of 30 days was not given to the petitioners to appear before the Court concerned, with effect from the date of publication of proclamation. Furthermore, the compromise has been effected between the parties.
3. Status report by way of an affidavit of Nirmal Singh, Assistant Commissioner of Police, Central, Jalandhar filed on behalf of the State is taken on record.
4. The present petition is resisted by the State counsel who submits that the impugned order was passed by the Court concerned, as per

the settled procedure of law.

5. The counsel appearing on behalf of complainant/respondent No.2 is having no objection if the impugned order is set aside. He further submits that matter has been compromised between the parties.

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

7. The State has admitted in its reply that the stipulated period of 30 days was not afforded to the petitioners from the date of service of proclamation, to appear before the Court concerned. Thus, it is evident that the impugned order Annexure P-2 was not passed as per the provisions of law. Consequently, the impugned order is not sustainable and deserves to be set aside.

8. Admittedly, the petitioner has approached this Court after delay of more than 5 years seeking quashing of impugned order Annexure P-2. This Court is of the view that on account of said delay, the petitioner requires to be burdened with cost.

9. In light of the above, the present petition is allowed the impugned order Annexure P-2 dated 12.02.2019 passed by the Court of Chief Judicial Magistrate Jalandhar is set aside, subject to cost of Rs.7,000/- to be deposited by the petitioner with the District Legal Services Authority concerned within a period of next 2 months.

20.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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