

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-38316-2023 in/and
CRM-M-10196-2021 (O&M)**
Date of Decision: 19.03.2024

Sandeep Singh alias Sandeep Raj Petitioner

Versus

State of Punjab and another Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.P.Soi, Advocate
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Challenge in the present petition is to order dated 27.04.2012 (Annexure P-5) whereby the petitioner has been declared proclaimed offender in case FIR No. 197 dated 26.08.2011 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Nakodar, District Jalandhar (Annexure P-1) as no summons were ever sent to the petitioner even at his residential address.

Learned counsel for the petitioner contends that the notice of proclamation dated 29.02.2012 (Annexure P-3) requiring appearance of the petitioner on 27.03.2012 is, on the face of it is unsustainable as the mandatory period of 30 days was not given to the petitioner. Learned counsel further contends that the aforesaid order was not in the knowledge of the petitioner as he was residing in Ward No. 13, Agwarh Kammoan, Dharamkot, District Moga as evident from his Aadhar Card (Annexure P-4), whereas notice was sent to village Billi Chau Tehsil Shahkot, District Jalandhar. Therefore, mandatory provisions of Section 82 Cr.P.C. have not

been complied with. Learned counsel further submits that two co-accused of the petitioner have been acquitted by the learned trial Court vide judgment dated 03.02.2017 (Annexure P-6).

It is further submitted that the petitioner undertakes to surrender before the learned trial Court as and when directed to do so.

I have heard learned counsel for the parties.

In view of the submissions made by learned counsel for the petitioner, the proclamation order dated 27.04.2012 (Annexure P-5) is set aside. The petitioner is directed to surrender before the learned trial Court within a period of two weeks from today i.e. on or before 03.04.2024 and he shall move an appropriate application seeking bail before the learned trial Court. On doing so, he shall be released on bail subject to his furnishing necessary bail/surety bonds to the satisfaction of learned trial Court.

Present petition stands disposed of.

Pending application, if any, stands disposed of.

19.03.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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