

2024:PHHC:027154

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

127 (A)

CRM-M-10271-2024

Date of Decision.:27.02.2024

Himani Sharma

Petitioner

Vs.

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Veneet Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 08.05.2018 (Annexure P-5) passed by learned Chief Judicial Magistrate, whereby petitioner was declared proclaimed offender in case FIR No.330 dated 22.10.2016 registered under Sections 420, 120-B of the IPC registered at Police Station City Barnala, District Barnala.

2. With the help of various zimni orders passed by the Court of learned Chief Judicial Magistrate, attention is drawn towards the fact that on an application moved by the police, arrest warrants against the petitioner were directed to be issued first time on 06.10.2017. The said warrants were never executed even once. Then by way of order dated 06.03.2018, proclamation were directed to be issued for 08.05.2018. Learned counsel then drawn attention towards order dated 08.05.2018 (Annexure P-4) which reveals that proclamation was effected on 09.04.2018. Learned counsel is right in contending that 09.04.2018 on which date the proclamation is effected, is liable to be deducted and then from 10.04.2018 to 08.05.2018, there will be 29 days. Clear 30 days time was not given to the petitioner to appear/surrender before the Trial Court concerned and thus there is a violation of Section 82 Cr.P.C.

3. Notice of motion.
4. Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on behalf of respondent No.1- State whereas Mr. Gurbir Singh Sidhu, Advocate accepts notice on behalf of respondent No.2 and filed his power of attorney.
5. Learned State counsel could not refute the aforesaid contentions which is apparent even on persual of the record that there is violation of Section 82 Cr.P.C.
6. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 08.05.2018 (Annexure P-5), whereby petitioner was declared proclaimed offender in case FIR No.330 dated 22.10.2016 registered under Sections 420, 120-B of the IPC registered at Police Station City Barnala, District Barnala is hereby quashed.

(DEEPAK GUPTA)
JUDGE

February 27, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No