



271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11044-2024
DECIDED ON:27.05.2024

RAMANJIT SINGH @ RAMANJIT SINGH JOHAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., by the petitioner seeking quashing of order dated 12.03.2020 (Annexure P-5), whereby, he has been declared proclaimed offender in a case FIR No. 15, dated 18.02.2010, under Sections 325, 323 and 34 IPC, registered at Police Station Goraya, District Jalandhar.

2. It has been contended by learned counsel for the petitioner that the proclamation was shown to be issued upon the petitioner on 17.01.2020 but it was actually issued on 28.01.2020 and in that eventuality the impugned order dated 12.03.2020 (Annexure P-5) declaring the petitioner proclaimed offender suffers from material and factual illegality. On 28.02.2020 when the case came up for hearing before the trial Court, it was adjourned for 29.02.2020 for awaiting the presence of accused-petitioner, in the light of the fact that proclamation of accused received back served and statement of tamili was also

3. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

4. This Court has carefully gone through the orders passed by Judicial Magistrate Ist Class, Phillaur, which are annexed with the present petition as Annexure P-6 (collectively). It is evident from the said orders that on 10.01.2020 though the proclamation of accused-petitioner was ordered to be issued for 17.01.2020 but due to short date it was not issued and again on 17.01.2020 the proclamation of the accused-petitioner was issued for 28.01.2020, i.e. after 11 days of earlier proclamation order. This Court is of the view that in the present case the petitioner has been declared proclaimed offender without adhering the provisions of Section 82 Cr.P.C., as statutory period of 30 days has not been given to him.

7. In view of the discussions made hereinabove, the present petition is allowed and the impugned order dated 12.03.2020 (Annexure P-5) is set aside. However, in view of the undertaking given by the counsel for the petitioner, the petitioner is directed to surrender before the trial Court within a period of two weeks from today and apply for regular bail.

8. In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

9. Ordered accordingly.

27.05.2024

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No