



HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10799-2019 (O&M)

Date of decision: 19.11.2024

Daljit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Ashok Paul Batra, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (Oral)

Prayer in the first petition under Section 482 of Cr.P.C. is for quashing of order dated 09.06.2014 (Annexure P-2) passed by learned JMIC Ropar in a case arising out of FIR No.29 dated 15.04.2013 u/s 376 IPC, 3 (1) (12) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Singh Bhagwantpur, District Roop Nagar whereby the petitioner has been declared as proclaimed offender.

It is contended by learned counsel for the petitioner that the petitioner had been falsely implicated in the present FIR No.29 dated 15.04.2013. The above said FIR was registered against two persons. Upon investigation, the petitioner was found to be innocent and no challan was presented against him.

Learned counsel for the petitioner further submits that impugned order dated 09.06.2014 (Annexure P-2) is not maintainable as provision of Section 82 Cr.P.C. has not been complied with in accordance



with law.

Learned counsel for the State refers to para 5 of the reply dated 05.09.2022 filed by way of an affidavit of the Deputy Superintendent of Police, SBS Nagar, District Rupnagar, Punjab on behalf of the respondent-State, wherein it is recorded that the allegations of the complainant-victim against the petitioner-Daljeet Singh were not substantiated and, accordingly, he was declared as innocent. Thereafter, supplementary report under Section 173(8) Cr.P.C. was submitted before the learned Illaqa Magistrate, Rupnagar to delete the name of the petitioner from the list of Proclaimed Person. However, learned Illaqa Magistrate, Rupnagar, declined the request of the prosecution to delete the name of the petitioner vide order dated 17.09.2014 (Annexure P-5). It is further recorded in para 6 of the said reply that co-accused of the petitioner, namely Ranjit Singh, was acquitted by learned trial Court vide judgment dated 02.02.2015.

I have heard learned counsel for the parties and perused the case file in great detail.

Perusal of record of the case shows that while proclamation was ordered to be issued on 10.4.2014 (Annexure P-7), the same was effected on 23.4.2014 (Annexure P-8). The last paragraph of proclamation notice reads as follows:-

"Proclamation is hereby made that the said accused is requires to appear before me (Komple Dhanjal, PCS JMIC Ropar) to answer the said complaint on 03.05.2014 on or within 30 days from the date of execution of proclamation."



Since the proclamation was effected on 23.4.2014 and the date fixed for his appearance is mentioned as 3.5.2014, the intervening period is found to be less than 30 days. Although the trial Court in its proclamation notice has also directed therein that the accused is required to appear on the dates specified, i.e., on 3.5.2014 or within 30 days of date of execution of proclamation but the said period of 30 days from proclamation is not in tune with the mandate of Section 82 of the Cr.P.C. which clearly mandates that the date and place of appearance should be clearly specified in the proclamation notice and which should not be less than 30 days from the date of issuance of such proclamation.

In view of the facts as noticed above, present petition is allowed and order dated 09.06.2014 (Annexure P-2) declaring the petitioner as proclaimed offender is set aside.

Pending application, if any, stands disposed of.

19.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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