

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12802-2024

Date of Decision: 20.3.2024

Harmandeep Singh @ Harmanpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prateek Sodhi, Advocate,
for the petitioner.

Mr. J.S.Dhaliwal, AAG, Punjab

KARAMJIT SINGH, J.

Present petition has been filed by the petitioner under Section 482 of Cr.P.C. for quashing of order dated 30.11.2019 (Annexure P-5) passed by the Court of Judicial Magistrate, 1st Class, Amritsar whereby the petitioner has been declared proclaimed offender in criminal case having FIR No. 121 dated 10.7.2019 registered under Sections 323, 324, 452, 148, 149 IPC (Section 326 IPC added later on) at Police Station Majitha, Amritsar.

2. Counsel for the petitioner submits that the petitioner never received any notice/summons/warrants with regard to pendency of the aforesaid criminal case. It is further submitted that the impugned order is unsustainable being not passed in accordance with the provisions of Section 82 of Cr.P.C. as 30 days time was not given to the petitioner for his appearance before the Court concerned from the date of publication of proclamation as is evident from Annexures P-3 to P-5. In support of his

contentions, counsel for the petitioner has placed reliance on the decision of this Court in **Ashok Kumar v. State of Haryana and another** 2013 (4) RCR (Criminal) 550. He further submits that the petitioner is ready to join the proceedings before the trial Court to face trial along with his co-accused.

3. Notice of motion.

4. Mr. J.S.Dhaliwal, AAG, Punjab accepts notice on behalf of the State and submits that there is no illegality or perversity in the impugned order (Annexure P-5) and the same was passed by the learned trial Court in consonance with the mandate of Section 82 of Cr.P.C.

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

6. From the perusal of Annexures P-3 to P-5, it appears that proclamation of the petitioner was issued by the trial Court for 31.10.2019 vide order dated 11.10.2019. From the perusal of Annexures P-4 and P-5, it appears that clear 30 days time as provided in Section 82 of Cr.P.C. was not given to the petitioner for his appearance before the Court concerned with effect from the date of publication of proclamation. It being so, impugned order is not sustainable in the eyes of law as has been held by this Court in **Ashok Kumar's** case (supra) relied upon by the counsel for the petitioner.

7. For the foregoing reasons, present petition is allowed and impugned order dated 30.11.2019 (Annexure P-5) is hereby set aside.

(KARAMJIT SINGH)
JUDGE

March 20, 2024

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No