



CRM-M-14143-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14143-2024
Date of Decision: 21.11.2024

Suraj Singh Brar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
116	26.12.2009	Lohian, District Jalandhar (Rural)	409, 420 IPC

1. Challenging the order dated 23.04.2011 of proclamation on being declared as proclaimed offender, the petitioner has come up before this court under section 482 CrPC.
2. Affidavit filed by State counsel is taken on record. A copy thereof has been supplied to counsel for the petitioner.
3. Counsel for the petitioner submits the summons, warrants and proclamation notices have never been served upon the petitioner as wrong address of petitioner has been mentioned in the summons, notices and warrants and as such, he was not aware of proclamation proceedings pending against him. During the period when notices, arrest warrants were issued, he was serving his department and there was no hindrance for the executing officer to arrest him because he could not abscond. Till date, no departmental action has been taken against the petitioner and for this reason also, he was not aware about the pendency of FIR and the order declaring him proclaimed offender.



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4. A perusal of the said statement reveals that the prosecution did not comply with the provisions of Section 82 CrPC. Section 82 CrPC provides that affixation must be made where the petitioner resides. Given above, the proclamation was not affixed in terms of section 82 (2) (i) (a) & (b) of CrPC, which mandate that the proclamation shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides; and it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village. None of these conditions were complied with, and the non-adherence to the procedure has rendered the proclamation illegal. Further, petitioner was in job and there was no reason with the executing officer to only affix the proclamation but he should have arrested the petitioner.

7. Counsel for the petitioner submits that due to delay in trial, the government machinery is being put to burden and they are ready to deposit an amount of Rs.1 lacs to PGI Poor Patient Welfare Fund, Chandigarh.

8. Given the facts of non-compliance of provisions of CrPC while executing proclamation and petitioner's willingness to pay Rs.1 lac to PGI Poor Patient Welfare Fund, Chandigarh, the impugned order is set aside from the date of petitioner's appearance before the concerned court and deposit of fine on 02.12.2024 at 11.00 A.M.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: NO.