

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Neutral Citation No. 2024:PHHC:016391
CRM-M-14936-2023
Date of Decision: February 06, 2024

Sunita and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Renu Bala Kamboj, Advocate for
Mr. Vivek Goyal, Advocate for the petitioners.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

On the last date of hearing, following order was passed by
this Court:-

“Prayer in this petition is to quash order dated 04.09.2019 passed by learned SDJM, Safidon whereby petitioners have been declared proclaimed persons in a criminal complaint case No.COMI-17-2016 and consequent FIR No.99 dated 12.04.2021 under Section 174-A IPC at Police Station City Safidon. It is contended that vide order dated 10.07.2019 (Annexure P.3) proclamation for five accused including the two petitioners was directed to be issued for 03.08.2019. On the adjourned date of 03.08.2019 as the proclamation was received back duly served, so, after recording the statement of the executing constable, the matter was adjourned to 04.09.2019 for awaiting one month period from the date of execution of the proclamation and for surrender of the petitioners. Later on, the petitioners along with others were declared proclaimed persons vide order dated 04.09.2019. It is rightly contended by learned counsel that while issuing proclamation on 10.07.2019, a clear period of 30 days was not provided for surrender of the petitioners before the trial Court which is in violation of the provisions of Section 82 Cr.P.C. Notice of motion for 25.07.2023.

Mr. Randhir Singh, Addl. AG, accepts the notice on behalf of the respondent- State.

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*In the meantime, further proceedings qua the impugned FIR
shall remain stayed.*

Reply be also filed on or before the next date of hearing.”

2. Learned State counsel submits that no reply is required to be filed and that Court may pass appropriate order.

3. As it was noticed in the order dated 23.03.2023 that there was clear violation of Section 82 Cr.P.C., inasmuch as 30 days period was not provided to the petitioners for appearing before the Trial Court concerned, therefore, the impugned order dated 04.09.2019, whereby the petitioners were declared proclaimed persons is *per se* illegal. Consequently, the said order and the subsequent registration of FIR No.99 dated 12.04.2021, under Section 174-A IPC, registered at Police Station City Safidon and all the subsequent proceedings arising therefrom stand quashed.

Allowed.

February 06, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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