

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CRM-M-18032-2024
Date of Decision: 15.04.2024

Manjit Singh @ Kaka

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 28.03.2024 (Annexure P-7), whereby, the petitioner was declared as proclaimed offender.

Learned counsel for the petitioner submits that the impugned order dated 28.03.2024 is inappropriate whereby proclamation under Section 82 Cr.P.C. was issued on 22.12.2023 for 28.03.2024 and the proceedings under Section 83 for attachment of property of the petitioner was initiated without adhering to the stage of 30 days period while declaring him as a proclaimed offender.

It is the positive case of the petitioner set up before this Court that he was regularly appearing before the trial Court during the trial since grant of interim bail, vide order dated 04.05.2018 which was made absolute on 01.11.2018 (Annexure P-2). The petitioner could not appear on

07.08.2023 since he was arrested on 20.07.2023 in another FIR No.156

dated 02.11.2017 with Police Station Kamboj, District Amritsar for alleged recovery of 5 grams of heroin which falls under the non-commercial category.

Learned counsel for the petitioner further vehemently argued that the non-bailable warrants of arrest remained unexecuted which was issued against the petitioner in the instant FIR as is evident from the zimni order dated 27.09.2023 (Annexure P-5) but the trial Court without ensuring the service of non-bailable warrants and execution of the same went on to pass the impugned order dated 28.03.2024 (Annexure P-7) without adhering to the statutory provisions. He further submits that the petitioner is ready and willing to surrender before the trial Court.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab, accepts notice on behalf of the respondent-State and he is not adverse to the submissions made by learned counsel for the petitioner that the petitioner is ready and willing to surrender before the trial Court within a period of one week from today and undertakes not to default in future.

In light of the above, considering the bona fide before this Court at the request of the petitioner that he is ready and willing to join the trial Court at this stage though his absence has taken place not on his deliberate or intentional account but due to the reasons mentioned hereinabove which shows sufficient bona fide on his part. Further, this Court keeping in mind the fact that surrendering of petitioner will facilitate early disposal before the trial Court, I deem it appropriate to allow the present petition.

In view of above, the petitioner is directed to surrender before the trial Court within a period of one week from today. In case of doing so

and if any application for bail is moved, then the same may be considered on that very date in accordance with law.

However, this order shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Clerks Association whose receipt shall be produced before the trial Court at the time of surrender before the trial Court.

It is made clear that the aforesaid cost is not as a pre-condition for allowing this petition but to compensate as the conduct of the petitioner has caused delay in the trial and has resulted into multiplicity of litigation.

With these observations, the present petition is disposed of.

15.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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