

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18363-2024 (O&M)

Reserved on: 17.07.2024

Date of Pronouncement: 26.07.2024

Navjeet Singh
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner(s).

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
217	22.8.2019	Moga City, District Moga	409, 420 and 120-B IPC

1. Challenging the order declaring the petitioner-accused as a proclaimed offender, he has come up before this court under Section 482 of Code of Criminal Procedure, 1973 (CrPC) for its quashing.
2. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender retrospectively w.e.f. 11.8.2020 vide order dated 23.12.2020 passed by Judicial Magistrate Ist Class, Moga (Annexure P-10).
3. The reasons for not appearing before the court are mentioned in the para 3 of the petition, in which the petitioner explains that at no point of time, the petitioner had any knowledge of registration of the FIR captioned above or service was effected upon him. He was never arrested in the matter. Moreover, the summons, bailable warrants issued against him were never executed against him but he was declared as proclaimed offender retrospectively w.e.f. 11.8.2020.
4. In my considered opinion, the explanation deserves acceptance. Consequently, the impugned proclamation order is set aside. To further establish bona fide, within

fifteen days from today, the petitioner is directed to either apply for bail under section 438 CrPC or surrender before the concerned court and apply for regular bail. In case he does not follow any of the above options, then this would mean that the petitioner's explanation was not bonafide but was intending to get a favorable order, and consequently, this order shall stand recalled automatically by virtue of powers under sections 403 read with 528 BNSS, 2023, without any further reference to this court, and the proclamation order shall stand restored.

5. It is clarified that till the time the petitioner(s) appear before the concerned court, they shall not visit any other place except the home, and in case they want to stay in another place, they shall intimate the address of such place to the concerned SHO by e-mail, by attaching the copy of this order.

6. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

7. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

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

(ANOOP CHITKARA)
JUDGE

July 26, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No