



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.204-2

**CRM-M-19054-2023
Date of decision : 05.09.2024**

SHAMSHER SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pawandeep Singh, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG Punjab.

Ms. Ravinder Kaur Manaise, Advocate
for respondents No.2 & 3.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 21.09.2022 (Annexure P-1) vide which the petitioner has been declared as proclaimed offender in case bearing No.-CHI-589-2016, arising out of FIR No.4 dated 06.01.2011 under Sections 420, 467, 468, 471 IPC, registered at Police Station City Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner submits that the mandatory procedure prescribed under Section 82(1) of Cr.P.C. has not been duly followed. He further draws the attention of the Court to Annexures P-3 to P-5 and submits that non-bailable warrants were not issued against the petitioner before issuing proclamation and further declaring him proclaimed offender vide order dated 21.09.2022. He also submits that the matter has



already been compromised and aforestated FIR has been quashed vide order of even date passed in CRMM-16106-2024.

3. He has further placed reliance upon the judgment rendered by this Court in CRM-M-25921-2020 titled as *“Harvinder Singh vs. State of Haryana and Anr.”* and in CRM-M-32612-2020 titled as *“Surender Singh Vs. State of Haryana and Anr.”*

4. Keeping in view the above submissions and considering the fact that as per provisions of Section 82(1) of Cr.P.C., for securing the presence of the accused, non-bailable warrants were not issued by the learned trial Court in compliance of Section 82(1) of Cr.P.C., this Court finds merit in the petition.

5. Accordingly, the petition is allowed. The impugned order dated 21.09.2022 (Annexure P-1) is hereby set aside, *subject to the cost of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh within two weeks.* Petitioner is directed to surrender before the learned Trial Court on or before the next date of hearing fixed before it and, in case he surrenders he be released on interim bail subject to the satisfaction of the learned Trial Court. In case, the petitioner fails to appear before the trial Court on or before the date fixed or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

05.09.2024
Kavita

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