

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CRM-M No. 19419 of 2024
Date of Decision: 30.04.2024

Jagdeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shakti Mehta, Advocate for the petitioner.

HARKESH MANUJA, J.(ORAL)

1. Through this petition, the petitioner seek quashing of impugned order dated 24.02.2020 passed by the CJ(SD)/ACJM/RC Karnal, District Karnala whereby he was declared as proclaimed person, having been implicated as an accused in case bearing FIR No. 0471 dated 20.05.2017 under Sections 279, 337 and 338 (added later on) of IPC, 1860 at Police Station Karnal Sadar, District Karnal. The petitioner on account of his non-appearance before the trial Court was declared as proclaimed person vide aforementioned order.

2. Impugning the same, learned counsel for the petitioner submits that the declaration of petitioner as proclaimed person was in violation of Section 82 of the Code of Criminal Procedure as the necessary and mandatory compliance laid down thereunder was never done before passing

the impugned order and accordingly the same is unsustainable in law.

3. On the other hand, learned State counsel, vehemently oppose the prayer made by learned counsel for the petitioner and submits that the petitioner was having complete knowledge about the pendency of the proceedings against him as repeated efforts were made to serve the petitioner through bailable warrants, non-bailable warrants and even by way of proclamation in terms of Section 82 of the Code of Criminal Procedure. Yet he failed to attend the proceedings thereby resulting into pass the impugned order which, as such warrants no interference.

4. I have heard the learned counsel for the parties and perused the record.

5. Perusal of the statement of Head Constable Vijay Kumar, i.e. Executant Officer recorded by the trial Court shows that the proclamation under Section 82 of the Code of Criminal Procedure was never read over in public place in accordance with Section 82 (2)(a) of the Code of Criminal Procedure in some conspicuous place of the town wherein the petitioner ordinarily used to reside.

6. In view of the aforestated fact the proclamation made was without complying with the mandatory procedure laid down under Section 82(2)(a) of the Code of Criminal Procedure, as such order dated 24.02.2020 cannot be sustained. Accordingly, before declaring the petitioner as proclaimed person/proclaimed offender all necessary steps as contemplated under Section 82 of the Code of Criminal Procedure which were required to be followed being mandatory and in violable having not complied with, the impugned order dated 24.02.2020 is set aside. The petition is disposed of.

7. In the meanwhile, the petitioner shall surrender before the trial Court within a period of 10 days from today and would furnish bail

cost of Rs. 5,000/- to be deposited with Nishkam Sewa Group (For charitable work) run by Punjab and Haryana High Court Lawyers at Chandigarh.

8. Pending applications, if any, also stand disposed of.

30.04.2024

(HARKESH MANUJA)

Rajeev (rvs)

JUDGE

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