



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

Sr. No.145

CRM-M-37306-2024

Date of decision : 05.08.2024

M/S OMEGA SALE AND ANR.

..... Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

..... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pranav Goyal, Advocate
for the petitioners.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of BNSS, 2023 for setting aside the order dated 04.06.2024 passed by learned JMIC Ludhiana (Annexure P-12) vide which petitioner No.2 has been declared proclaimed offender in case complaint No. COMA/9117/2021 dated 20.05.2021 titled as "M/s Aryan Exports Vs. M/s Omega Sales Etc".

2. Learned counsel for the petitioners submits that the petitioner No.2 has been declared as proclaimed offender vide order dated 04.06.2024 in case CIS No.:COMA/9117/2021 in violation of mandatory procedure prescribed under Section 82 of Cr.P.C. has not been duly followed. He further draws the attention of the Court to Annexure P-11, wherein the Court directed the proclamation to be served by publication through local newspaper only and without directing the proclamation to be served through ordinary process in compliance of Section 82 Cr.P.C.. Subsequently, vide order dated 04.06.2024, the learned JMIC, Ludhiana has declared the petitioner No.2 as a proclaimed offender. Learned counsel for the petitioners has placed reliance upon the judgment rendered by this Court vide order dated 23.08.2023 in CRM-M-41656-2023 (O&M) titled as "**Pardeep**

Kumar vs. State of Punjab and another".



3. Notice of motion.
4. At asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of respondent-State and waives service.
5. Heard.
6. Keeping in view the above submissions and considering the fact that as per provisions of Section 82 of Cr.P.C. the accused was not served properly and mandatory provisions of Section 82 of Cr.P.C. has not been duly followed, this Court finds merit in the petition.
7. Accordingly, the petition is allowed. The impugned order dated 04.06.2024 (Annexure P-12) is hereby set aside. Petitioner is directed to surrender before the learned Trial Court within two weeks and, in case he surrenders he be released on interim bail subject to the satisfaction of the learned Trial Court.

(KIRTI SINGH)
JUDGE

05.08.2024
Kavita Nain

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