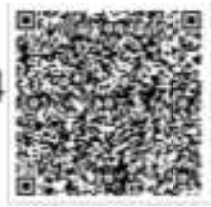


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39734-2024 (O&M)

Reserved on :20.08.2024

Date of Pronouncement:23. 08.2024

Deepak Joshi

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

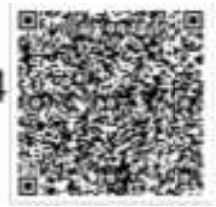
Present: Mr. Rajiv Kataria, Advocate, with
Ms. Sushmeet Kaur, Advocate, for the petitioner.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 528 of BNSS is for quashing of the order dated 22.09.2023 by virtue of which the petitioner has been declared a proclaimed offender under Section 82 of Cr.P.C. in FIR No.29 dated 16.02.2017 under Section 420 IPC registered at Police Station Sarabha Nagar, Ludhiana.

2. The learned counsel for the petitioner contends that pursuant to the registration of the FIR in question, the petitioner was granted the concession of bail and had been routinely attending the Court on various dates. However, in March 2020, there was a lock-down because of which the case was adjourned from time to time. The petitioner was not aware about the Court functioning and therefore, did not appear before the Trial Court. The petitioner was not served either withailable warrants or non-ailable warrants. The reports were to the

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effect that the warrants could not be executed either due to paucity of time or because of the fact that the Constable concerned was busy in some other duties. On one occasion, the Constable named Hardeep Singh had gone to the spot and had recorded the statement of of the next door neighbour of the petitioner who stated that the petitioner had sold his house three years ago and no one was residing there. Therefore, it was clear that the petitioner was not living at the said address where warrants were sought to be executed. There was non-compliance of Section 82 of the Cr.P.C. inasmuch as 30 days' clear notice to appear had not been given to him. Quite apparently, it could not be said that the petitioner was avoiding his arrest. He, therefore, prays that the impugned order dated 22.09.2023 was liable to be quashed.

3. I have heard the learned counsel for the petitioner and examined the record.

4. As per the pleaded case of the petitioner, pursuant to the registration of the FIR, the report under Section 173(2) Cr.P.C. was submitted and he was charged under Section 420 IPC. He was granted bail and had been attending the Court hearings on various dates. It was on account of the COVID-19 Pandemic that he was not able to appear and subsequently, was declared a proclaimed offender. Once, the petitioner was facing proceedings after being granted bail and had chosen to disassociate himself from the said criminal Trial it would not lie in his mouth to say that noailable or non-bailable warrants were served upon him or that the proper procedure as envisaged under Section 82 Cr.P.C. was not followed before he was declared a proclaimed offender. It is the bounden duty of an accused to appear on each and every date unless his presence has been

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exempted. Purported ignorance of legal/Court proceedings cannot be a ground for seeking quashing of the impugned order. Interestingly, the petitioner had challenged the same order vide CRM-M-25220-2024 and after it had been argued at length, when this Court was not inclined to issue notice, the said petition was withdrawn on 20.05.2024. The instant second petition has been filed without any change in circumstances whatsoever other than the cosmetic change of annexing certain additional documents.

5. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No