

2024:PHHC:124453



CRM-M-46450-2024

Date of Decision: 19.09.2024

JASDEEP SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGILPresent: Mr. S.P.S. Tinna, Advocate for the petitioner.
Mr. Jaspal Singh Guru, Addl. AG Punjab.**SANDEEP MOUDGIL, J. (Oral)**

Learned counsel for the petitioner states that he give up the prayer for quashing FIR No. 18 dated 13.02.2024 under Sections 420, 456, 467, 468, 471 and 120-B IPC registered at Police Station Dugri, District Police Commissionerate, Ludhiana and all consequential proceedings arising therefrom.

2. As far as challenge to the order dated 21.08.2024, Annexure P-11 is concerned, order passed by JMIC Ludhiana, declaring the present petitioner as proclaimed offender in the aforesaid FIR is concerned, he would contend that the proclamation was not issued at the address where he is actually residing but at some other place and there is no effective service of the said proclamation.

3. The second leg of the argument raised by counsel for the petitioner is *qua* not completion of 30 days of statutory period as envisaged under Section 82 Cr.P.C. while assailing the order dated 21.08.2024, Annexure P-11. In support of second argument, he submits that proclamation was ordered to be issued for 31.07.2024, and 17.07.2024, the matter was deferred by the JMIC observing that period of 30 days had not lapsed, but, in its order dated 21.08.2024, the Court below went ahead to record that proclamation under Section 82 stands effected on the accused on 14.07.2024, and concluded to say that 30 days period had elapsed hence the petitioner was ordered to be declared as proclaimed person.



4. Be that as it may, without adverting to the merits of the case, and pressing upon the two legal submissions made as recorded hereinabove, Mr. Tinna seeks remedy of application of law of equity and submits that he is ready and willing to surrender before the trial Court within 10 days. Learned State counsel does not oppose the said averment.

5. In addition, in case, the petitioner makes an application for grant of bail, the trial Court concerned shall make an endeavour to decide the said application on the same day itself.

6. In view of the above, the present petition is disposed of with a direction to the petitioner to appear before the trial Court concerned within 10 days from today and till then, his arrest shall be stayed for next 10 days from today. There is no denial to the fact that conduct of the petitioner has resulted into delay of trial proceedings due to his deliberate absence continuously and to compensate the delay, the petitioner is directed to deposit costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail will be considered and decided on the same day in accordance with law.

7. In case, the petitioner fails to appear before the trial Court within the above stipulated period, the protection granted herein above *qua* his arrest shall stand *ipso facto* vacated without any further reference to this Court.

8. Accordingly, petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

19.09.2024

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