



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

CRM-M-47649-2024

Date of decision: 23.09.2024

Rana Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of the impugned order dated 05.04.2024 (Annexure P-4) whereby the petitioner has been declared as proclaimed absconder by the Court of Judicial Magistrate Ist Class, Jagraon in a criminal case having FIR No. 65 dated 19.04.2017 registered under Sections 323, 342, 365, 506, 148, 149 IPC, Police Station Sidhwan Bat, District Ludhiana (Rural).

2. The counsel for the petitioner submits that the impugned order was not passed in accordance with the provisions of Section 82 Cr.P.C as a clear period of 30 days with effect from the date when the proclamation was effected was not given to the petitioner for causing his appearance in the Court concerned. In this regard, the counsel for the petitioner referred to orders dated 18.10.2023, 14.12.2023, 26.02.2024 and order Annexure P-4 passed by the learned trial Court.

3. The present petition is resisted by the State counsel who submits that the petitioner was fully aware about the pendency of the case but did not intentionally respond to the warrants and notice of proclamation and thus, was rightly declared as proclaimed absconder vide order Annexure P-4.



4. I have considered the submissions made by counsel for the parties.

5. In the present case, the trial Court firstly issued proclamation of the petitioner vide order dated 18.10.2023 and again the proclamation of petitioner under Section 82 Cr.P.C was directed to be issued for 26.02.2024 vide order dated 14.12.2023. As per order dated 26.02.2024, the proclamation issued against the petitioner was duly executed and as period of 30 days had not lapsed, the case was adjourned to 05.04.2024 by the learned trial Court for awaiting the presence of the petitioner. However, no intimation regarding extension of time given for appearance of the petitioner till 05.04.2024, was not given to the petitioner by the learned trial Court. Thus, making it clear that minimum statutory period of 30 days as provided in Section 82 Cr.P.C. was not given to the petitioner for his appearance before the Court concerned with effect from the date of publication of proclamation. So, it is evident that the impugned order was not passed in accordance with the provisions of Section 82 Cr.P.C. In this context, reference is made to the law laid down by this Court in *Ashok Kumar Vs. State of Haryana & Anr. 2013 (4) RCR Criminal 550*.

6. In light of above discussion, the impugned order is hereby set aside. The present petition stands disposed of in aforesaid terms.

23.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No