



113 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-48736-2024 (O&amp;M)

Date of decision : 26.11.2024

Neeraj Popli

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amit Puri, Advocate  
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)CRM-46221-2024

Allowed as prayed for.

CRM-M-48736-2024

1. Prayer in the present petition is for quashing of impugned order dated 18.08.2021 (Annexure P-3) passed by learned Trial Court, Sangrur whereby the petitioner was declared a proclaimed person in FIR No.114 dated 21.12.2018 under Sections 406, 420 and 120-B IPC, registered at Police Station City 1 Sangrur, District Sangrur.

2. Counsel for the petitioner inter alia submits that at the relevant time when warrants of proclamation were executed against the present petitioner, he was not available in India. It is further submitted that actually petitioner is permanent resident of Australia and copy of his passport is placed on record. It is further submitted that no notice or warrants with regard to pendency of the aforesaid criminal case were ever sent at his given address in Australia through the Indian embassy and that the procedure provided in Section 105 Cr.P.C was not followed by the Court concerned while passing the impugned order. It is further contended that even otherwise the impugned order is not sustainable being not



passed in conformity with the mandatory provisions of Section 82 Cr.P.C as minimum statutory period of 30 days as prescribed was not given to the petitioner to appear before the Court concerned from the date of publication of the proclamation. He has further submitted that in another complaint also, the petitioner was declared as proclaimed offender vide order dated 18.08.2021, which order was challenged by the petitioner before this Court by way of filing of CRM-M-48714-2024 which was decided by this Court on 22.10.2024 and the order under challenge was set aside subject to cost of Rs.5000/-. He has also placed on record copy of the said order. He has submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State, who submits that there is no illegality or infirmity in the impugned order and further the petitioner has approached this Court after lapse of about 3 years of the passing of impugned order. It is further submitted that co-accused was convicted and sentenced to imprisonment by the trial Court.

5. From perusal of record, it appears that at the relevant time, the petitioner was not available in India and allegedly had rather gone to Australia. There is nothing on the record to show that the Court concerned ever made any effort to affect personal service of the petitioner in Australia through the Indian embassy located in that country. Further, it could not be made out that minimum statutory period of 30 days from the date of proclamation was given to the petitioner for his appearance before the Court concerned, as per mandate of Section 82 (2) (i) (a) Cr.P.C. As



alleged the order passed in connected complaint declaring the petitioner as proclaimed person has already been set aside by the Coordinate Bench of this Court vide order dated 22.10.2024 passed in CRM-M-48714-2024.

6. In the light of above, this Court dispose of the present petition and the impugned orders dated 18.08.2021 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the “**Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh**’ by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 18.08.2021 would come in force and the present petition shall be deemed to have been dismissed.

26.11.2024  
ps-I

( **RAJESH BHARDWAJ** )  
**JUDGE**

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