

S. No.121

2024:PHHC:031128

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

CRM-M-58353 of 2023

Date of Decision:05.03.2024

Ranjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of order dated 06.06.2022 (Annexure P.5) passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner was declared Proclaimed Offender during the proceedings of case FIR No.71 dated 20.03.2015 registered under Sections 382, 356, 473, 34 IPC at Police Station Salem Tabri, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner was earlier on bail. He could not appear on 17.03.2022 and so, his bail was cancelled and bonds were forfeited. Warrants of arrest were directed to be issued for 31.03.2022. Learned counsel has then drawn attention towards order dated 31.03.2022 (Annexure P.4) as per which as the warrants of arrest were received back as unexecuted, so proclamation under Section 82 Cr.P.C., was directed to be issued for 29.10.2021. The Serving Constable was directed to publish the proclamation for 28.04.2022 and the matter was adjourned to 06.06.2022. On the next date of hearing, i.e. 06.06.2022, the proclamation was received back duly effected and as per the statement made by the Serving Constable, he had effected the proclamation on 28.08.2022. By observing that 30 days' period had elapsed, the petitioner was declared Proclaimed Offender.

though the proclamation is stated to have been effected on 28.08.2022 but much prior thereto, the petitioner was declared proclaimed offender on 06.06.2022. Not only this, as per the order dated 31.03.2022, proclamation had been directed to be issued for 29.10.2021. There appears to be sheer confusion in mentioning of the dates in both the orders dated 31.03.2022 as well as dated 06.06.2022. It appears that the learned Judicial Magistrate has passed both the orders without caring for the dates being given by him for effecting the proclamation or for the date on which the petitioner was required to appear. The orders appear to have been passed without due application of mind.

The impugned order dated 06.06.2022 is in utter violation of Section 82 Cr.P.C. The said order is hereby quashed.

The next date of hearing before the trial Court is stated to be 14.03.2024. The petitioner is directed to surrender before the trial Court on or before 14.03.2024, the date already fixed there-at. As petitioner was earlier on bail, so, on his surrender, the Court will proceed against the petitioner under Section 446 Cr.P.C and after disposal of those proceedings, shall admit the petitioner to bail. However, it is made clear that till the disposal of the proceedings under Section 446 Cr.P.C., petitioner shall not be taken into custody. If in the meantime, petitioner is sought to be arrested in view of having been declared proclaimed offender, he shall be admitted to interim bail to the satisfaction of Arresting Officer.

Disposed of.

March 05, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No