

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.62413 of 2023
Date of Decision: 12.02.2024

JAIDEEP SINGH
Vs
STATE OF PUNJAB AND ANR

.....Petitioner(s)

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Solomon Partap Singh, Asstt. A.G., Punjab.

Ms. Gurpreet Kaur, Advocate
for respondent No.2.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of the order dated 17.10.2018 passed by the Chief Judicial Magistrate, Tarn Taran, whereby the petitioner was declared as proclaimed person.
- [2]. Having been arrayed as an accused in a complaint case No.86 of 2012, the petitioner was summoned by the Trial Court vide order dated 15.02.2017. Upon grant of bail, the petitioner continued to appear before the Court concerned, but for 26.04.2018 when on account of his non-appearance , non-bailable warrants were issued against him followed by his declaration as proclaimed person vide order dated 17.10.2018.
- [3]. Learned counsel for the petitioner submits that the proceedings under Section 82 Cr.P.C. initiated against the petitioner were in violation of mandatory

procedure laid down in the said Section, thus the impugned order is liable to be set aside.

[4]. On the other hand, learned State counsel appearing on behalf of respondent No.1 opposed the prayer made on behalf of the petitioner while submitting that the petitioner was having knowledge about pending proceedings against him and deliberately chose not to appear before the Trial Court and thus, the impugned order warrants no interference.

[5]. However, learned counsel representing respondent No.2, supported the cause of the petitioner while submitting that a settlement has already been arrived at between the parties.

[6]. I have heard learned counsel for the parties and gone through the paper book. In find substance in the submission made by learned counsel for the petitioner.

[7]. Perusal of order dated 14.08.2018 shows that proclamation under Section 82 Cr.P.C., was ordered to be returnable by 20.09.2018, however on 20.09.2018, the period of 30 days from the date of publication of proclamation had not expired, accordingly the matter was adjourned for 17.10.2018 and on the said date, the petitioner on account of his non-appearance was declared as proclaimed person.

[8]. Perusal of the record shows that though the petitioner was declared as proclaimed person vide order dated 17.10.2018, however for the said date no proclamation was ordered to be published as contemplated under Section 82 Cr.P.C. against him and thus, the petitioner could not have been declared as

proclaimed person on 17.10.2018. Moreover, the parties have already entered into a settlement and affidavit of respondent No.2/complainant to this effect has already been appended with the petitioner vide Annexure P-6 and the petitioner has already submitted himself to the jurisdiction of the Trial Court on 06.01.2024 having furnished his bail bonds/surety bonds and also deposited the cost(s) as directed by this Court vide order dated 13.12.2023.

[9]. Resultantly, the present petition is allowed and the order dated 17.10.2018 passed by the Chief Judicial Magistrate, Tarn Taran, whereby the petitioner was declared as proclaimed person, is hereby set aside.

February 12, 2024	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No