

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-63098-2023
Date of decision : 04.01.2024

RAMANDEEP SINGH SANGHA @ RAMNA SANGHA
....PETITIONER

VERSUS

STATE OF PUNJAB
....RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Jatinderpal Singh, Advocate
for the petitioner.

Mr. IPS Sabharwal, DAG, Punjab.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 22.04.2022 (P-13) passed by the trial Court in case FIR No. 0214 dated 12.10.2020 under Sections 323, 341, 365, 382, 506, 295-A, 148 and 149 IPC registered at Police Station Vairo-Ke, District Fazilka, whereby the petitioner has been declared as proclaimed offender with further prayer for staying order dated 22.04.2022.

2. Learned counsel for the petitioner submits that a perusal of the statement dated 07.02.2022 made by Executant/Head Constable, it could be seen that the proclamation was never read over in a public place thereby violating Section 82 (2) (i) (a) of the Code of Criminal Procedure 1973, and thus the proceedings against him vide impugned order were initiated.

3. Learned State counsel while supporting the impugned order submits that the petitioner despite having knowledge about the pendency

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of proclamation issued against him tried to evade the trial and thus does not deserve any leniency.

4. I have heard learned counsel for the parties and gone through the paper book.

5. Upon perusal of statement of the Executant/Head Constable which was recorded on 07.02.2022, it can be traced out that the order dated 13.11.2021 issuing proclamation was never read over in a public place as enjoined under Section 82 (2) (i) (a) of the Code of the Criminal Procedure 1973. Moreover, the proclamation was ordered by the trial Court on 30.11.2021 for 07.02.2022 whereas vide order dated 22.04.2022, the petitioner was declared as proclaimed offender and for the said date there was no proclamation ordered or affected.

6. Section 82 (2) (i) (a) of the Code of the Criminal Procedure 1973, required that the proclamation shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides. The proclamation is an act of a public announcement requiring the presence of the accused being regulating liberty of an individual is required to be mandatorily followed being inviolable. The impugned order dated 22.04.2023 thus being in violation of compliance of Section 82 (2) (i) (a) of the Code of Criminal Procedure is accordingly set aside.

7. The present revision petition is allowed.

(HARKESH MANUJA)
JUDGE

04.01.2024
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Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No