

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CRM-M-64788-2023 (O&M)
Date of Decision:30.01.2024

Parminderjeet Singh
Vs.
State of Punjab and Another

.....Petitioner

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.K. Khosa, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Sukhpal Singh, Advocate
for respondent No.2.

DEEPAK GUPTA, J. (ORAL)

CRM-2373-2024:

This is an application under Section 482 Cr.P.C. to place on record copies of the various zimni orders passed by learned Trial Court concerned during proceedings of the complaint in question, as Annexure P-4 to Annexure P-14. The said application has been moved in compliance of the order dated 22.12.2023 passed by this Court.

Allowed.

Annexure P-4 to Annexure P-14 are taken on record.

CRM-941-2024:

This is an application under Section 482 Cr.P.C. to amend the head note as well as prayer clause of the petition submitting that impugned order declaring the petitioner as proclaimed person was passed on 24.02.2023 but inadvertently it has been mentioned as 12.04.2023.

Learned counsel for respondents have no objection.

Allowed.

Necessary correction in the head note as well as the prayer clause be made, by replacing the date 12.04.2023 with 24.02.2023. Registry to do the needful.

CRM-M-64788-2023:

Power of attorney on behalf of respondent No.2 has been filed.

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 24.02.2023 in a complaint case bearing No. NI Act-536 of 2020 titled 'Ravi Kumar Sharma V. Parminderjeet Singh' passed by learned ACJM, Pathankot, whereby petitioner was declared proclaimed person.

Learned counsel for the petitioner contends that proclamation upon the petitioner was not served in accordance with law and there is a violation of Section 82 Cr.P.C.

Attention is drawn towards various zimni orders passed by Trial Court concerned. It is revealed that though the petitioner was initially served through his father as per order dated 23.03.2021 (Annexure P-8) but as he did not appear bailable warrants and then warrants of arrest were issued against him. The same failed to procure his presence. The Court then directed for issuance of the proclamation under Section 82 Cr.P.C. vide order dated 03.10.2022 for 04.01.2023 as evident from Annexure P-12.

It is revealed further that though on 04.01.2023 proclamation had received back duly served but on that day petitioner was not declared proclaimed person and matter was adjourned to 24.02.2023 for appearance of the petitioner. Petitioner was then declared proclaimed person vide order dated 24.02.2023 (Annexure P-14), though, there was no proclamation for

that date.

It thus emerges that proclamation was meant for 04.01.2023 for surrender/appearance of the petitioner before the Trial Court concerned but on that day petitioner was not declared proclaimed person. However, on the day i.e. 24.02.2023 when petitioner was declared proclaimed person, there was no direction for the petitioner to appear/surrender before the Trial Court. Thus there is a clear violation of Section 82 Cr.P.C.

Apart from above, learned counsel for the petitioner has also drawn attention towards the fact that after coming to know about the pendency of the petitioner, he appeared before the Trial Court concerned and that matter has since been compromised between the parties. Complaint has been withdrawn vide order dated 09.12.2023.

Learned counsel for the respondent No.2- complainant has conceded the fact that matter has since been compromised.

Having regard to all the aforesaid facts and circumstances, present petition is hereby accepted. The impugned order dated 24.02.2023 passed by learned ACJM Pathankot, in a complaint case bearing No. NI Act-536 of 2020 titled ‘Ravi Kumar Sharma V. Parminderjeet Singh’, whereby petitioner was declared proclaimed person and all the consequential proceedings arising therefrom are hereby quashed.

(DEEPAK GUPTA)
JUDGE

January 30, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No