



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

CRM-M-60508-2024

Date of decision: 13.12.2024

Balwinder Singh @ Binda @ Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. C.S. Rana, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking setting aside of order dated 08.12.2023 Annexure P-11 passed by the Court of Additional Sessions Judge, Ludhiana whereby the petitioner was declared as proclaimed offender in FIR No.8 dated 14.01.20214, under Sections 379-B and 34 IPC and Section 411 IPC added later on, registered at Police Station City Jagraon, District Ludhiana.

2. Counsel for the petitioner *inter alia* submits that during the Covid period, the Courts were working in a restricted mode and as such, the petitioner was not regularly appearing before the trial Court during aforesaid period. However, when the Courts started working in a normal mode, no notice, summons or warrants were ever received by the petitioner at his present address of village Mahima Singhwala, District Moga. Counsel for the petitioner further submits that the proceedings under Section 82 Cr.P.C were not conducted in accordance with mandate of Section 82 Cr.P.C, as the same provides that the proclamation shall be also publicly read in some conspicuous place of the town or village in which such person ordinarily resides. That, however, as per Annexure P-7, this procedure was not followed by the serving police official and thus, the entire proceedings



under Section 82 Cr.P.C. stand vitiated.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that the petitioner jumped bail and thereafter, he was summoned through bailable as well as non bailable warrants of arrest, but the petitioner failed to respond to the same and then proceedings under Section 82 Cr.P.C were initiated against the petitioner and after following the proper procedure, the petitioner was declared as proclaimed offender by the Court concerned vide order Annexure P-11 dated 08.12.2023.

5. I have considered the submissions made by counsel for the parties.

6. From the perusal of Annexure P-7 which is the report submitted by the serving police official, it is clear that the proclamation was not publicly read in some conspicuous place of the town or village in which the petitioner was ordinarily residing, as is required as per provisions of Section 82 (2)(i)(a) Cr.P.C. It being so, the impugned order was passed in violation of the aforesaid mandatory provision of law and thus, is not sustainable in the eyes of law.

7. For the foregoing reasons, the present petition is allowed and impugned order dated 08.12.2023 Annexure P-1 is set aside.

13.12.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No