



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61938-2024 (O&M)
Date of decision: 20.12.2024

Sonu Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Chahat Goyal, 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 quashing of order dated 28.10.2024 Annexure P-1 passed by the Court of Additional Sessions Judge, Sangrur whereby the petitioner was declared proclaimed offender in a criminal case having FIR No.21 dated 07.03.2017 under Sections 379-B/356/34 IPC, Police Station Chhajli (Sunam).
2. The counsel for the petitioner submits that the impugned order Annexure P-1 whereby the petitioner was declared as proclaimed person is not sustainable and deserves to be set aside being not passed in accordance with law.
3. On the other hand, the State counsel while referring to impugned order Annexure P-1 submits that the same was passed by the learned trial Court, as per the procedure prescribed in Section 82 Cr.P.C.
4. I have considered the submissions made by counsel for the parties.



5. From the perusal of document Annexure P-108, it appears that the proclamation of the petitioner was issued by the trial Court for 08.10.2024 vide order dated 04.09.2024. As per order Annexure P-109 dated 08.10.2024, it is not clear as to whether the proclamation of the petitioner was received by the trial Court on that date. As per Annexure P-109, on 08.10.2024, the case was adjourned to 28.10.2024. From the perusal of orders Annexure P-1 and Annexure P-109, it is not clear as to on which date, the proclamation against the present petitioner was received after due execution and even the statement of serving police official was not recorded by the trial Court to ascertain that the proclamation was properly published against the petitioner as per the mandatory provision of Section 82 Cr.P.C. Further, impugned order Annexure P-1 and the earlier orders passed by the Court concerned are silent with regard to satisfaction of the Court concerned to the effect that the petitioner has absconded or is concealing himself. It being so, the impugned order is not sustainable in the eyes of law.

6. Consequently, the present petition is hereby allowed and impugned order Annexure P-1 dated 28.10.2024 is hereby set aside.

20.12.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No