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

CRM-M-7715-2024

Date of Decision:- 28.07.2025

JAGJIT SINGH @ JAGJEET SINGH @ SODHI @ JAGGA**.....Petitioner****VERSUS****STATE OF PUNJAB & ANOTHER****.....Respondents****CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Narinder S Lucky, Advocate with
Ms. Jaya Kohli, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 of Cr.P.C. is for quashing of the order dated 23.09.2022 (Annexure P-3) passed by the Ld. Sub Divisional Judicial Magistrate, Nabha, District Patiala in case titled “State V. Gurdharanjit Singh” bearing No.CHI-98-2020 filed on 09.09.2020 in FIR No.92 dated 17.09.2019 registered under Sections 323, 341 and 34 IPC at Police Station Kotwali Nabha, District Patial vide which non-bailable warrants have been issued along with the order dated 22.09.2023 (Annexure P5) vide which the petitioner has been declared a proclaimed person.

2. The brief facts of the case are that an occurrence took place in the Maximum Security Jail, Nabha regarding which an FIR No.92 dated 17.09.2019 under Sections 323, 341, 34 IPC P.S. Kotwali Nabha came to be registered against the petitioner and others for having assaulted one Karamjit

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Singh @ Kammi. A cross-version came to be registered against Karamjit Singh @ Kammi and others. After conclusion of the investigation in the cross-cases, two challans were submitted in the Trial Court.

3. Initially, the petitioner was granted the concession of bail. The case was adjourned from time to time and the petitioner is stated to have appeared on some dates and sought exemption on others.

4. As the petitioner stopped appearing, non-bailable warrants were issued against him which remained unexecuted. Vide order dated 13.07.2023, he was to be served through proclamation under Section 82 Cr.P.C. The report of the service Constable was awaited for 23.08.2023 and for appearance of the petitioner the date fixed was 25.09.2023. The copy of the order dated 13.07.2023 is attached as Annexure P-3 to the petition.

5. The proclamation under Section 82 Cr.P.C. was received back duly effected on 19.08.2023. As the statutory period of 30 days had not elapsed, the case was adjourned to 22.09.2023 for awaiting the presence of Jagjit Singh @ Sodhi @ Jagga (accused/petitioner). The copy of the said order dated 23.08.2023 is attached as Annexure P-4 to the petition.

6. As the petitioner did not appear on the date fixed, he was declared a proclaimed person vide order dated 22.09.2023 (Annexure P-5).

7. The aforementioned order is under challenge in the present petition.

8. The learned counsel for the petitioner contends that there is non-compliance of the mandatory provisions of the Cr.P.C. as a clear period of 30 days notice has not been given to the petitioner to appear before the

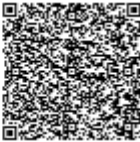
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Court. He thus, contends that the impugned order was liable to be dismissed.

9. A status report dated 03.04.2024 by way of an affidavit of Davinder Kumar Attri, PPS, Deputy Superintendent of Police, Circle Nabha, District Patiala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that proclamation was effected upon the petitioner on 19.08.2023 as is apparent from the order dated 23.08.2023 and a clear period of 30 days had been given to the petitioner to appear before the Court on 22.09.2023 which was beyond the statutory period of 30 days which began on 19.08.2023. He further contends that once the petitioner had been granted the concession of bail and had been appearing in Court, he cannot then raise the contention that he was unaware of proceedings pending against him and that there had been violation of Section 82 Cr.P.C.

10. I have heard the learned counsel for the parties.

11. A perusal of the order dated 23.08.2023 would reveal that the proclamation under Section 82 Cr.P.C. issued against the petitioner was duly received back effected on 19.08.2023 and the statement of Service Constable ASI Parveen Kumar was recorded that day. Thereafter, as a period of 30 days had not yet elapsed, the case was adjourned to 22.09.2023 on which the impugned order came to be passed. Thus, it is apparent that the period of 30 days had elapsed and the petitioner did not appear despite the proclamation being effected on 19.08.2023. Further, it is a case where the petitioner was well-aware of the pendency of the case against him as it is his pleaded case that he appeared before the Court from time to time and sought exemptions



on other occasions. Thus, in such a situation, the petitioner cannot claim that he was unaware of the proceedings against him or that niceties of the law had not been followed.

12. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

28.07.2025
JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>