



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

CRM-M-17222-2025
Date of decision: 01.04.2025

Karamjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

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

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by petitioner seeking quashing of order dated 10.01.2025 (Annexure P-9) passed by the Court of Additional Sessions Judge, Kapurthala vide which the petitioner was declared as proclaimed person in criminal case having FIR No.146 dated 05.12.2020 (Annexure P-1), registered under Sections 379-B, 411 and 201 IPC, at Police Station Subhanpur, District Kapurthala.

2. The counsel for the petitioner submits that the petitioner was falsely implicated in the aforesaid criminal case. It is further submitted that due to some unavoidable circumstances, the petitioner failed to appear before the trial Court and accordingly, his non bailable warrants of arrest were issued and finally, the petitioner was declared as proclaimed person vide impugned order Annexure P-9 without following the proper procedure by the said Court. It is further submitted that from the perusal of Annexure P-8, it is evident that the proclamation was not publicly read at the spot, as



per the requirement of Section 82(2)(i)(a) Cr.P.C and thus, the impugned order was passed in violation of the mandatory provisions of Section 82 Cr.P.C. The counsel for the petitioner further submits that it being so the impugned order Annexure P-9 is not sustainable and deserves to be set aside.

3. On the other hand, the State counsel while resisting the present petition submits that the petitioner was fully aware about the pendency of the aforesaid criminal case and intentionally avoided his service and was rightly declared as proclaimed person by the learned trial Court. It is further submitted that there is no illegality or perversity in the impugned order (Annexure P-9).

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

5. From the perusal of Annexure P-8 i.e. the statement of serving police official, it is apparent that the proclamation in this case was not publicly read in some conspicuous place of town/village in which the petitioner was ordinarily residing. Thus, in the present case the procedure prescribed under Section 82(2)(i)(a) Cr.P.C. has not been followed by the learned trial Court while passing the impugned order Annexure P-9.

6. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and impugned order (Annexure P-9) dated 10.01.2025 passed by the Court of Additional Sessions Judge, Kapurthala is set aside.

01.04.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No