

CHAMKAUR SINGH @ CHAMKAUR MASIH V/S STATE OF PUNJAB AND ANOTHER

Present: Mr. N.K. Manchanda, Advocate for the petitioner.

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 10.07.2023 (Annexure P-14) whereby the petitioner has been declared as proclaimed person in case FIR No.29 dated 13.03.2023, under Section 420 IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib and it was further ordered to initiate proceedings under Section 174A IPC and Section 83 Cr.P.C against him.

Learned counsel for the petitioner *inter alia* submits that the proclamation is not in accordance with the provisions contained under Section 82 Cr.P.C. It is pleaded that proclamation was drawn on 15.05.2023 (Annexure P-8) to secure the presence of the petitioner for 12.06.2023. As per the statement of the concerned official executing the proclamation, it was shown to have been made on 19.05.2023 (Annexure P-9). Thus, the mandatory period of 30 days is not fulfilled, between the date of publication and the date specified for appearance. The petitioner is not avoiding the due process of law but on coming to know of registration of the present FIR, had filed an application seeking bail apprehending arrest before the concerned Court. The first application on account of a technical reason, was withdrawn on 16.05.2023 and the second application was filed on 12.06.2023. The said application was dismissed vide order dated 07.07.2023 (Annexure P-12), and thereafter, the petitioner had approached this Court by way of CRM-M-33905-2023 and on the day of its preliminary hearing, it was disclosed by learned State counsel that the petitioner had been declared as proclaimed person vide order dated 10.07.2023. The said petition was adjourned at request, on the ground that the arguing counsel was down with

viral fever, vide order dated 17.07.2023 (Annexure P-13). Learned counsel for the petitioner submits that the petitioner is keen to join the investigation/proceedings.

Notice of motion.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of the respondent No.1-State and waives service.

Meanwhile, the operation of impugned order dated 10.07.2023 (Annexure P-14) qua the petitioner shall remain stayed till the next date.

List along with CRM-M-33905-2023 on 19.09.2023.

September 05, 2023
sumit.k

(VIKAS SURI)
JUDGE