



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

CRM-M-283-2025

Date of decision: 09.01.2025

Amandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

KARAMJIT SINGH, J. (ORAL)

1. The present petition under Section 528 of BNSS is filed by the petitioner seeking setting aside of order dated 21.01.2023 Annexure P-14 passed by the Court of Judicial Magistrate Ist Class, Moga vide which the petitioner has been declared as proclaimed offender in a criminal case having FIR No.166 dated 20.08.2021, registered under Sections 186, 353, 323, 341, 427, 148, 149 IPC (Section 325 IPC added later on) in Police Station Dharamkot, District Moga.

2. The counsel for the petitioner inter alia submits that the impugned order was not passed in consonance with the mandatory provision of Section 82 Cr.P.C. That as per record, proclamation of the petitioner was issued for 19.12.2022 vide order dated 19.11.2022 and the said proclamation was effected on 18.12.2022 and thus, minimum prescribed period of 30 days was not given to the petitioner for his appearance from the date on which the publication of proclamation was effected against him. It is further submitted that at the relevant time, the petitioner was in UAE, as is evident from his passport Annexure P-5. It is further submitted that the co-accused who faced trial were acquitted vide judgment dated 23.09.2022 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, Moga.

3. Notice of motion.



4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that the petitioner was fully aware about the pendency of the criminal case having FIR No.166 dated 20.08.2021 and he jumped bail and absconded and the trial Court proceeded against him under Section 82 Cr.P.C. It is further submitted that the present petition deserves to be dismissed being devoid of merits.

5. From the perusal of (Annexure P-9), it is evident that learned trial Court issued proclamation against the present petitioner for 19.12.2022 vide order dated 19.11.2022. From the perusal of Annexure P-13, it is evident that the said proclamation was effected against the petitioner by the concerned police official on 18.12.2022. In this manner, minimum period of 30 days as provided in Section 82 Cr.P.C. was not afforded to the petitioner for his appearance before the trial Court, from the date on which the proclamation against the petitioner was executed. Further, from the perusal of Annexure P-13, it appears that the proclamation was not read in some conspicuous place of the town or village of the petitioner. Thus, proper procedure was not followed by the trial Court while passing impugned order Annexure P-14 and it being so, the impugned order is not legally tenable.

6. For the foregoing reasons, the present petition is allowed and order dated 21.01.2023 (Annexure P-14) passed by the Court of Judicial Magistrate Ist Class, Moga is hereby set aside.

7. The present petition is disposed of in aforesaid terms.

09.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**