

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-7796 of 2015 (O&M)

Date of Decision: 24.02.2016

Satinderjit Singh @ Sinder

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

Criminal Misc. No.M-15632 of 2015 (O&M)

Pardeep Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

Criminal Misc. No.M-15755 of 2015 (O&M)

Sukhwinderpal Singh @ Raja

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. Jashandeep Sandhu, Advocate for
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Prateek Pandit, Advocate
for respondent no.2.

HARI PAL VERMA, J.(Oral)

This order shall dispose of three cases i.e. CRM-M-7796-2015, CRM-M-15632-2015 and CRM-M-15755-2015, as common prayer for quashing of order dated 20.1.2015 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Phagwara, District Kapurthala in case FIR No.102 dated 26.8.2014 under Sections 323/325/341/308/148/149 IPC registered at Police Station City Phagwara, District Kapurthala along with all consequential criminal proceedings arising therefrom has been made in all the petitions. However, for brevity, facts are being taken from CRM-M-7796-2015.

Briefly stated, the petitioner is accused in case FIR No.102 dated 26.8.2014 under Sections 323/325/341/308/148/149 IPC registered at Police Station City Phagwara, District Kapurthala. Vide impugned order dated 20.1.2015 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Phagwara, the petitioners were declared as proclaimed offenders and intimation was sent to the SHO concerned for necessary action.

It is the case of the petitioners that though the petitioners have been declared as proclaimed offenders, however, since learned Additional Sessions Judge, had already stayed the arrest of the petitioners vide order dated 6.1.2015, therefore, the order dated 20.1.2015 was not warranted.

Learned counsel for the petitioner submits that once the arrest of the petitioner has been stayed, there was no justification for the learned Magistrate to pass the order dated 20.1.2015 declaring him as proclaimed offender.

Learned counsel for respondent no.2 submits that proclamation was made on 4.12.2014 and the petitioner was given time to appear upto 13.1.2015, but since the petitioner did not appear, it resulted into passing the impugned order dated 20.1.2015 (Annexure P-2).

Heard.

The order dated 20.1.2015 nowhere reflects that the arrest of the petitioner was stayed by learned Additional Sessions Judge, as this fact was not brought to the notice of learned Magistrate either by the petitioner or by the police.

Be that as it may, taking into consideration the respective pleadings of the parties as well as the fact that since the arrest of petitioner has already been stayed by learned Additional Sessions Judge, Kapurthala vide order dated 10.2.2015, the impugned order dated 20.1.2015 is set aside and the trial Court/Sessions Court is at liberty to decide the bail application of the petitioner on the basis of material available before it.

However, it is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case and the trial Court as well as the Sessions Court

which is seized with the anticipatory bail application of the petitioner shall decide the same in accordance with law.

With the above observations, the instant petitions shall stand disposed of.

February 24, 2016
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(HARI PAL VERMA)
JUDGE