

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-52726 of 2018 (O&M)

Date of Decision: 30.11.2018

Gurdeep Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Mandeep Singh Sachdev, Advocate
for the petitioner(s).

Shekher Dhawan, J.

CRM-42119-2018

Application is allowed, as prayed for, subject to all just exceptions. Exemption is granted from filing of true typed/photocopy/certified copies of Annexures P1 to P4.

CRM-M-52726-2018

Present petition is for quashing of impugned order dated 15.03.2016 (Annexure P1), passed by the learned Judicial Magistrate Ist Class, Jagraon, whereby petitioner was declared proclaimed offender in case FIR No. 192 dated 08.06.2005, registered under Sections 420, 467, 468 & 471 IPC at Police Station Jagraon, District Ludhiana.

Learned counsel for the petitioner contended that petitioner was earlier admitted to bail and he had been appearing before the learned trial Judge. On 25.01.2011, his personal appearance was exempted as per order dated 18.01.2011, passed by this Court. This fact was so recorded in the order dated 25.01.2011 passed by the learned Judicial Magistrate Ist Class and the proceedings continued before him. However, on 21.04.2014, as per order passed by the learned trial Judge, the matter pending before this Court

was disposed of and petitioner was required to appear before the learned trial Court. Learned counsel, representing the petitioner before the learned trial Court, had taken the plea that he had no instructions to appear for present petitioner-Gurdeep Singh and the learned Judicial Magistrate, inspite of that fact and issuing notice to him, cancelled his bail bonds and surety bonds and thereafter, declared him proclaimed offender. As such, petitioner could not appear before the learned trial Court.

Notice of motion.

On asking of the Court, Mr. D.S.Sukarchakia, Deputy Advocate General, Punjab accepts notice on behalf of respondents No.1 to 3. A complete copy of paper-book be provided to him during the course of the day.

Having considered the submissions made by learned counsel for the petitioner; perused the case file; in view of the facts detailed in the petition and the orders passed by the learned trial Court on different dates, let petitioner surrender before the Court of learned Judicial Magistrate Ist Class, Jagraon and shall move an application afresh for grant of bail. The learned trial Magistrate shall consider the said application and pass an order for release of the petitioner on bail on his furnishing fresh bail bonds and surety bonds to his satisfaction.

With the observations made above, present petition stands disposed of.

(Shekher Dhawan)
Judge

November 30, 2018

“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No