

124

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

**CRM-M-959-2018
Date of Decision: 16.01.2018**

Jaspal Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. SPS Sidhu, Advocate,
for the petitioners.

Mr. Lovekirat S. Chahal, Advocate,
for the complainant.

SUDIP AHLUWALIA J. (ORAL)

This petition is directed against the impugned order passed by the Ld. Judicial Magistrate First Class, Ferozepur (Annexure P-5). The petitioners against whom challan has been submitted for various offences after the investigation in FIR No.55 dated 02.05.2017 of Police Station Kulgarhi, District Ferozepur contend that the coercive process by way of proclamation order against them was uncalled for and premature inasmuch as their bail applications bearing Nos.491 and 493 dated 14.11.2017 were pending before the Ld. Additional Sessions Judge, Ferozepur. The same were dismissed on 20.11.2017. However, the warrant for proclamation was issued by the Ld. Chief Judicial Magistrate on the very date their bail applications had been filed in the Court of Sessions i.e. on 14.11.2017. As such, according to the petitioners, they were not wilful absconders on the date on which the original process for proclamation was ordered to be issued.

[2]. In this view of the matter, the justification of the petitioners does appear to be in order inasmuch as they had legitimately approached the superior Court in their endeavor to seek anticipatory bail after the challan against them had already been submitted.

[3]. For this reason, the operation of the impugned order passed by the Ld. Court below is stayed for one week from today with a liberty to them to surrender themselves before the Ld. Court below within this period.

[4]. Their applications for bail, if any, shall be decided by the Ld. Magistrate independently on merits and without being influenced by any observation on the part of this order.

[5]. Disposed off.

16.01.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No