

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21481 of 2019

Date of Decision: 28.11.2019

Sandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tarun Vir Singh Lehal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 28.03.2019, passed by learned Judicial Magistrate First Class, Gurdaspur, whereby the petitioner has been declared as proclaimed person.

It is contended by learned counsel for the petitioner that in terms of the order dated 10.05.2019 passed by this Court, petitioner has surrendered before learned trial Court and was released on bail. Further contends that the impugned order dated 28.03.2019 has been passed on account of the fact that a wrong date was noted by learned counsel representing him before learned trial Court and thus he could not appear on 03.10.2018, resulting into passing of said impugned order declaring him proclaimed person.

The above factual position regarding surrendering of petitioner before learned trial Court is duly acknowledged by learned State counsel on instructions from ASI Harmesh Kumar.

In view of the facts and circumstances, as discussed here-in-above, this Court is of the opinion that non-appearance of the petitioner on

03.10.2018 was not deliberate, but beyond his control on account of wrong date noted by his counsel representing him before learned trial Court, thus, the present petition deserves to be accepted.

Consequently, the petition is allowed and the impugned order dated 28.03.2019 passed by learned Judicial Magistrate Ist Class, Amritsar is set aside. Interim order dated 10.05.2019 passed by this Court is made absolute.

Petitioner is directed to fully cooperate with the proceedings before learned trial Court.

[MAHABIR SINGH SINDHU]

JUDGE

November 28, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no