

CRM- M-23029-2020 (O&M)

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

**CRM- M-23029-2020 (O&M)
Date of Decision: August 18, 2020**

Nishant Garg

..... Petitioner

VERSUS

State of Punjab and another

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Alok Mittal, Advocate
 for the petitioner.

Mr. Hitten Nehra, Addl. AG, Punjab

JAISHREE THAKUR, J.(Oral)

This is a petition that has been filed seeking quashing of order dated 05.11.2018 passed by the Judicial Magistrate 1st Class, Patiala in complaint case bearing No. COMA/3131/2016 dated 05.09.2016 whereby the petitioner has been declared as a proclaimed offender.

It is argued that the petitioner herein had initially put in an appearance before the Court below after he had been produced from the judicial custody. It is further argued that thereafter he moved an application for exemption which was declined and notices were issued under Section 82 Cr.P.C. but he was unable to appear as he had already been declared as a proclaimed offender in other cases. Be that as it may, learned counsel for the petitioner submits that the petitioner is in the process of settling all disputes and seeks that one opportunity be allowed to him to put in an

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appearance before the Court below as he is ready to face trial.

After hearing learned counsel for the petitioner, I deem it appropriate to dispose of the instant petition *in limine* and order to keep the impugned order dated 05.11.2018 in abeyance by staying the arrest of the petitioner for a period of two weeks to enable him to appear before the trial Court and move an appropriate application for having the impugned order set aside, which would be considered by the trial Court in accordance with law. He shall be admitted to interim bail to the satisfaction of the Court till disposal of P.O. proceedings.

Ordered accordingly.

It is made explicitly clear that in case the petitioner fails to surrender before the trial Court within the specified time, any interim protection allowed to him by this Court shall stand automatically vacated.

August 18, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No