

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.238

Case No. : CRM-M-1643-2021

Date of Decision : December 14, 2022

Sukhvir Singh and another Petitioners

VS.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ashish Gupta, Advocate
for the petitioners.

Mr. G. S. Shergill, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. filed by the petitioners for quashing the impugned order dated 29.07.2019 (Annexure P-4), passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, whereby the petitioners have been declared as Proclaimed Offenders in case FIR No.26, dated 24.02.2019, under Sections 379, 506, 34 IPC, registered at Police Station Nihal Singh Wala, District Moga.

It has been submitted by learned counsel for the petitioners that the petitioners no.1 and 2 (Sukhvir Singh and Jagjit Kaur) were granted anticipatory bail on 06.11.2019 vide orders Annexures P-6 and P-5 respectively. In the said order, it was specifically mentioned that the petitioners had joined investigation. The petitioners were wrongly declared Proclaimed Offenders on 29.07.2019 when they had already joined

investigation.

Learned State counsel has submitted that the cancellation report was filed in this FIR and the same was accepted by the Court.

In view of the afore-mentioned circumstances, since the petitioners are not being proceeded against in the main FIR and were also granted anticipatory bail by a Co-ordinate Bench of this Court, therefore, impugned order dated 29.07.2019 (Annexure P-4), passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, whereby the petitioners have been declared as Proclaimed Offenders and the order dated 12.10.2020 (Annexure P-8), whereby the application filed by the petitioners for recalling the aforesaid order, has been dismissed, are hereby quashed. Consequently, the order dated 17.08.2019 (Annexure P-7) passed by Sub Divisional Judicial Magistrate, Nihal Singh Wala has no effect.

The petition stands disposed of in the above terms.

December 14, 2022
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>