

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

Sr. No.265

CRM-M-19181-2022

Date of decision: 18.08.2022

Dharminder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

Mr. Rahul Vats, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of order dated 19.10.2019 passed by the Additional Chief Judicial Magistrate, Rupnagar declaring him a proclaimed person.

On May 07, 2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter-alia contends that the petitioner left for Canada in the year 2013; thereafter, he came back to India only on 30.03.2019; he again flew back to Canada on 15.04.2019 after which he has never travelled to India and therefore, the impugned order of the Trial Court dated 19.10.2019 declaring the petitioner to be a proclaimed person is illegal as before passing of the same the procedure prescribed under Section 82 Cr.P.C has not been followed.

Notice of motion.

Mr. Saurav Khurana, DAG, Punjab, accepts notice

on behalf of the respondent No.1-State and Mr. B.S. Saroha, Advocate, put in appearance on behalf of respondent No.2.

Adjourned to 18.08.2022.

Before the adjourned date, the State shall file a reply.

Learned counsel for the petitioner states that even though the order declaring the petitioner to be a proclaimed person is illegal and that the dispute in the main complaint has been compromised, to show his bonafides, the petitioner shall surrender before the Trial Court in the first fortnight of July 2022. If the petitioner does so, it is directed that till such appearance, his arrest is stayed and that on his appearance, he shall be admitted to ad-interim bail to the Trial Court's satisfaction.”

It is the admitted position that in pursuance to the afore-quoted order, the petitioner appeared before the Trial Court and was admitted to ad-interim bail as also that the complaint filed by respondent No.2 in the proceedings of which the petitioner had been declared a proclaimed person stands withdrawn.

After considering the submissions made on behalf of the petitioner as recorded in the afore-quoted order and the afore-referred admitted position, this Court is of the opinion that the impugned order deserves to be quashed and it is so ordered.

August 18, 2022
Jyoti 1

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)
JUDGE

Yes/No
Yes/No