

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(287)

CRM-M-24581-2019

Date of decision: - 29.09.2022

Jaskaran Singh

....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vikas Chaudhary, Advocate
for Mr. Jatinderpal Singh, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Gurpal Singh Sandhu, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C.
for quashing of the order dated 23.07.2018 (Annexure P-4) passed by the
Judicial Magistrate 1st Class, Sri Muktsar Sahib in a complaint case titled
as "Sarabdaman Singh Vs. Jagraj Singh", bearing complaint COMI
No.31/2013 (Annexure P-1).

On 29.05.2019, a Co-ordinate Bench of this Court was
pleased to pass the following order: -

*"The present petition is for quashing of order dated 23.07.2018
(Annexure P4) passed by the learned Judicial Magistrate 1st Class, Sri
Muktsar Sahib, in complaint case titled 'Sarabdaman Singh v. Jagraj*

Singh' vide which the petitioner was ordered to be declared as a Proclaimed Offender.

The learned counsel contends that though the proceedings under Section 82 of the Code of Criminal Procedure were initiated and the petitioner was declared a Proclaimed Offender but proper procedure which should have been followed as per the provisions of the Cr. P.C. was not followed in the instant case. The learned counsel submits that the petitioner is ready and willing to appear before the trial Court and face trial.

Notice of motion for 19.07.2019.

On the asking of the Court, Mr. Amar Ashok Pathak, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to the learned counsel during the course of the day.

Meanwhile, the petitioner shall appear before the trial Court on 04.06.2019 and on his appearance, the trial Court shall be enlarged on for bail to the satisfaction of trial Court in accordance with law."

Learned counsel for the petitioner has submitted in pursuance of the said order, the petitioner has appeared before the trial Court. It is further submitted that the petitioner is also ready to pay an amount of Rs.25,000/- to the complainant within a period of two weeks from today.

Learned counsel appearing on behalf of the complainant has submitted that the amount which would be deposited by the petitioner before the trial Court be released to the complainant.

Keeping in view the above-said facts and circumstances, more so, the fact that in pursuance of order dated 29.05.2019, the petitioner has appeared before the trial Court, the present petition is allowed and the impugned order dated 23.07.2018 (P-4) is set aside and order dated 29.05.2019 is hereby made absolute, subject to the petitioner

depositing an amount of Rs.25,000/- before the trial Court within a period of two weeks from today and the trial Court is directed to release the said amount in favour of the complainant.

The payment of the abovesaid amount of Rs.25,000/- would not be construed as an admission of guilt by the petitioner.

September 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No