

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

Sr. No.123

CRM-M-37952-2022

Date of decision : 25.8.2022

Vishal @ Sundi

.....Petitioner

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Umesh Aggarwal, Advocate for the petitioner

AMAN CHAUDHARY, J.

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of order dated 13.7.2022 passed by learned Additional Chief Judicial Magistrate, Amritsar vide which the petitioner has been declared as proclaimed person in case FIR No.145 dated 16.6.2021, registered under Section 379/34-B of the Indian Penal Code at Police Station Sadar Amritsar, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has been declared as 'proclaimed person' vide order dated 13.7.2022, even when during this time, he would have availed of his remedy under Section 438 Cr.P.C. To substantiate the aforesaid submission, he contends that he had filed an application for grant of anticipatory bail before the Court of Sessions Judge, Amritsar on 5.7.2022, which was listed on 6.7.2022. On the said date i.e. 6.7.2022, learned Additional Sessions Judge, Amritsar directed the investigating agency to produce the record and the matter was

adjourned to 11.7.2022 for the said purpose. He further submits that the case was listed on 6th, 11th, 15th, 21st July, 2022 and finally record was produced on 27.7.2022. Vide order dated 1.8.2022 passed by the learned Additional Sessions Judge, Amritsar, the petitioner was released on interim bail with a direction to join the investigation and the case was adjourned to 6.8.2022. On the said date, police informed the Court that the petitioner has been declared as 'proclaimed person' vide order dated 13.7.2022 by learned Additional Chief Judicial Magistrate, Amritsar. Learned counsel for the petitioner further submits that it was the duty of the police to have informed the Court about such proceedings, which have been initiated against the petitioner as they are involved in service of warrants, pursuant to initiation of proceedings for 'proclaimed person'. He next submits that number of dates were taken by the police to produce the record and it was finally produced only on 27.7.2022, therefore, the said proceedings have been wrongly taken out against the petitioner, despite the fact, he was availing of his remedy under Section 438 Cr.P.C.

At this stage, learned counsel for the petitioner prays that the petitioner may be allowed to surrender and file the regular bail application before the trial Court and may direct the trial Court to decide his bail application on the same day.

Notice of the application.

At the asking of the Court, Mr.Mavpreet Singh, DAG, Punjab accepts notice on behalf of the respondent-State. He submits that he has no objection, in case the aforesaid prayer made by the learned counsel for the petitioner is allowed.

In view of the above and without commenting on the merits of the case, the present petition is disposed of with a request to the learned Trial Court that in case, the petitioner surrenders and files regular bail, his bail application be decided on the same day in accordance with law.

25.8.2022
gsv

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No