

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-46816-2022

Date of Decision: 10.11.2022

Ajay Kumar Raju

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Manoj Sharma, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks quashing of the order dated 04.12.2019 (Annexure P3) passed by learned Additional Sessions Judge, Hoshiarpur cancelling the bail of the petitioner in case FIR No.31 dated 20.03.2018 under Sections 379/411 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 registered at Police Station Mehtiana, District Hoshiarpur (Annexure P1).

Learned counsel for the petitioner contends that he had been granted regular bail earlier but thereafter got stuck in Gujarat during Covid-19 and was not able to attend the Court proceedings regularly.

It is the order dated 06.09.2022 (Annexure P4) which has been assailed before this Court, a perusal of which shows that the non-bailable warrant issued against the petitioner could not be executed for the reason that the house of the accused was found locked. Now the proclamation against the accused/petitioner has been ordered to be made under Section 82 CrPC within a period of 30 days i.e. for 12.12.2022.

This Court though does not find the present case to be fit for interference to exercise its power under Section 482 CrPC for quashing of the

order dated 06.09.2022 (Annexure P4) and order dated 04.12.2019 (Annexure P3). However, to meet the ends of justice, in case the petitioner surrenders before the trial court on 22.11.2022, the proceedings for proclamation under Section 82 CrPC shall be kept in abeyance. It is further clarified that in case the petitioner moves an application for grant of regular bail, the same shall be considered by the trial court on the same date by passing an appropriate order in accordance with law.

Disposed of.

10.11.2022

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No