

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3009-2023

Date of Decision :- 21.08.2023

Satnam Singh

.....Petitioner

Versus

Baljit Singh and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Ajay Kumar, Advocate for
Mr.Rishu Mahajan, Advocate
for the petitioner.

Mr.Raghav Soni, Advocate
for respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 21.05.2022 passed by learned Judicial Magistrate Ist Class, Amritsar, whereby petitioner has been declared as a 'proclaimed person' in NACT 3683 dated 04.07.2018, under Section 138 of Negotiable Instruments Act, 1881

2. At the outset, counsel for the petitioner submits that in compliance of interim order dated 01.03.2023 passed by this Court, petitioner has surrendered before the trial Court and has been admitted to bail by order dated 09.03.2023, a copy of which has been placed on record.

3. Although counsel for the respondent No.1 has opposed the

prayer made in the petition, but the objective of Section 82 Cr.P.C. is to ensure the presence of the accused. Once the accused has surrendered and joined the proceedings, he can no longer be described as an absconder and the order declaring him as a proclaimed person deserves to be set aside

4. In view of the above, the petition is allowed. Impugned order dated 21.05.2022, Annexure P4, whereby the petitioner has been declared as ‘proclaimed person’ is set aside.

21.08.2023
Brij

(SUVIR SEHGAL)
JUDGE

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