

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-12802-2022****Date of decision :17.08.2023****UPNEET SAINI AND ANOTHER****... Petitioner(s)****Versus****STATE OF PUNJAB****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI****Present:** Mr. Ankur Bansal, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the proclamation proceedings against the petitioners including the issuance of non-bailable warrants of arrest vide order dated 21.07.2020 (Annexure P-8), the order dated 28.07.2020 (Annexure P-11) directing the issuance of proclamation as well as the impugned order dated 19.11.2020 (Annexure P-15) passed by the JMIC, Jalandhar in case arising out of FIR No.173 dated 28.12.2019 registered under Sections 420/120-B IPC at Police Station Navi Baradari, District Jalandhar.

The learned counsel for the petitioners states that on 28.03.2022, this Court had stayed the operation of the impugned order dated 19.11.2020 (Annexure P-15). The said order continued and subsequently, the petitioners sought the concession of anticipatory bail and were granted the same by this Court vide order dated 09.03.2023. He, therefore, contends that once the petitioners have joined the proceedings, the proclamation proceedings ought to be quashed.

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On the other hand, the learned State counsel contends that the proclamation proceedings are independent of the petitioners surrendering before the Court and being granted bail and therefore, the proclamation proceedings ought not to be quashed.

I have heard the learned counsel for the parties.

On 28.03.2022, the following order was passed:-

“The learned counsel for the petitioners has submitted that vide impugned order dated 19.11.2020 (Annexure P15), the statutory period of 30 days was not completed from the date of issuance of proclamation and therefore, the provisions of Section 82 Cr.P.C. were violated. He submitted that even otherwise also, the wrong addresses of the petitioners were given. He submitted that be that as it may, both the petitioners undertake to surrender before the learned trial Court on the date fixed before the learned trial Court i.e. 11.4.2022 and therefore, he has prayed till the time they surrender before the learned trial Court, the petitioners may be protected.

Notice of motion. Mr.Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State and prays for some time to seek instructions.

List on 10.5.2022.

In view of above, it is directed that till 11.4.2022, the operation of the impugned order dated 19.11.2020 (Annexure P15) shall remain stayed.”

Thereafter, the said order continued from time to time. In the meantime, the petitioners sought the concession of anticipatory bail and were granted the same on 09.03.2023. It has also been brought to the notice of the Court that after joining proceedings, charges have been framed against the petitioners and they are now facing trial.

In view of the above, no useful purpose would be served by allowing the instant proceedings to continue. Therefore, the present petition is allowed and the orders dated 21.07.2020 (Annexure P-8), 28.07.2020 (Annexure P-11) and 19.11.2020 (Annexure P-15) stand quashed.

(JASJIT SINGH BEDI)
JUDGE

17.08.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No