

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34280-2023
Reserved on: 24.08.2023
Pronounced on: 01.09.2023

Jagroop Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Himmat Sidhu, Advocate
Mr. Saurav Bhatia, Advocate and
Ms. Manjot Khokhar, Advocate
for the petitioner(s).

Mr. Ferry Sofat, Addl. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	16.08.2022	Vigilance Bureau, Ludhiana	420, 409, 467, 468, 471, 120B IPC read with 7, 7-A, 8, 12, 13(2) of Prevention of Corruption Act

1. Challenging the order dated 07.07.2023 (Annexure P-16) passed by the Chief Judicial Magistrate, Ludhiana, vide which the petitioner was declared proclaimed offender, he has come up before this Court for its quashing under Section 482 CrPC.
2. The petitioner’s grievance is that his second anticipatory bail is pending before this Court, as such this Court was ceased of the matter declaring him as proclaimed offender is usurping and encroaching the powers of this Court under Section 438 CrPC. The petitioner’s first bail petition filed under Section 438 CrPC was rejected by a Co-ordinate Bench of this Court vide a detailed order dated 17.10.2022. After that, he again filed a second bail petition which bears the date as 09.07.2023. Before that, on 07.07.2023 vide Annexure P-16, the Chief Judicial Magistrate declared him as proclaimed offender.
3. In the above said case, stand of the investigator as well as the State is that they want to arrest the petitioner and they seek his custodial interrogation. Thus, it is not the

case of the State that they do not want to arrest him and their case is that they were searching for the petitioner but they were unable to catch hold of him.

4. In this background, it would be appropriate that the petitioner file a fresh petition for quashing of the order dated 07.07.2023 after surrender. In case, petitioner surrendered without any further delay before the trial Court/Investigator, while considering his regular bail, concerned Court will not consider order dated 07.07.2023 against him because he challenged the same before this Court on 13.07.2023.

5. Petition is disposed of in the terms mentioned above, with liberty to file a fresh after surrender. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.09.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.