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

**CRM-M-42295-2022
Date of Decision: 07.02.2023**

Paramjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. M.S. Yadav, Advocate for
Mr. Sunny K.Singla, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 482 Cr.P.C. has been filed on behalf of the petitioner seeking quashing of impugned order dated 30.11.2019 (Annexure P-4), passed by the Court of Judicial Magistrate Ist Class, Malerkotla, in FIR No.79 dated 06.09.2018 (Annexure P-1), under Sections 148, 149, 323 and 325 IPC, registered at Police Station Sandaur, District Malerkotla, whereby the petitioner was declared as an absconder under Section 82 Cr.P.C.

On 15.09.2022, a co-ordinate Bench of this Court passed the following order:-

“Inter alia contends that vide order dated 15.10.2019, the Judicial Magistrate Ist Class, Malerkotla, was pleased to order the proclamation proceedings against the petitioner and a perusal of the said proclamation shows that the date was fixed for 13.11.2019. Further reference has been made to

*page 19 of the paper book which is the statement of serving Constable Kuldeep Singh who had stated that it was on 25.10.2019 a copy of the proclamation was affixed on the main gate of the house of the accused and another copy was affixed in a public place. It is further submitted that a period of 30 days have not been provided either from the date of order dated 15.10.2019 much less, from the date when the proclamation was affixed i.e., from 25.10.2019. It is further submitted that the same is in violation of Section 82 Cr.P.C. and reliance has been placed upon the judgment of the coordinate bench of this Court in **Ashok Kumar vs. State of Haryana and another, 2013(4) RCR (Criminal) 550**. It is also submitted that in order to show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.25,000/- to the complainant Harjinder Kaur and is also ready to deposit the said amount before the trial Court within a period of two weeks from today.*

Notice of motion for 10.10.2022.

The operation of the order dated 30.11.2019 is stayed till the next date of hearing subject to the petitioner appearing before the trial Court within a period of two weeks from today and also subject to the petitioner depositing an amount of Rs.25,000/- before the trial Court within the aforesaid period and also subject to the petitioner to give an undertaking that he will appear on each and every date of hearing before the trial Court except the date on which the personal appearance of the petitioner is specifically exempted.

In case the petitioner complies with all the conditions, then the trial Court is directed to release the petitioner on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The trial Court is directed to release the amount of Rs.25,000/- deposited by the petitioner, to the complainant.”

Learned counsel for the petitioner submits that in pursuance of aforesaid order dated 15.09.2022, the petitioner had surrendered before the Court of Judicial Magistrate Ist Class, Malerkotla on 23.09.2022 and deposited an amount of Rs.25,000/- before the said Court, to be paid to the complainant; the petitioner had also filed an affidavit, giving an undertaking to appear on each and every date of hearing in the Court, whereupon the trial Court granted him the concession of interim bail, subject to his furnishing bail bonds/surety bonds in the sum of Rs.25,000/- with one surety in the like amount, vide order dated 23.09.2022. Copy thereof is supplied by learned counsel for the petitioner in Court today, which is taken on record, subject to all just exceptions. It is further submitted that the petitioner is appearing before the Court of Judicial Magistrate Ist Class, Malerkotla and he undertakes that he shall continue to do so; and the aforesaid matter is now listed before the Judicial Magistrate Ist Class, Malerkotla, for evidence of remaining prosecution witnesses, on 23.02.2023.

Learned State counsel has filed status report by way of affidavit dated 07.02.2023 of Mr. Kuldeep Singh, Deputy Superintendent of Police, Sub Division Malerkotla, District Malerkotla, in Court today, which is taken on record, subject to all just exceptions. Paragraphs No.8 and 9 of the status report read as under:-

“ - x - x -

8. That in compliance with the order dated 15.09.2022 passed by this Hon'ble Court, the petitioner has been surrender before the Ld. Trial Court on 23.09.2022. Now this case fixed on 23.02.2023 in the Court of J.M.I.C., Malerkotla for remaining prosecution evidence.

9. That in view of the facts narrated hereinabove, it is

submitted that the petitioner has already been surrender before the Ld. Trial Court on 23.09.2022 and this case is fixed for remaining prosecution evidence. So, the present petition filed by the petitioner has become infructuous.

- x - x - ”

Since the petitioner has already appeared before the trial Court in pursuance of aforesaid order dated 15.09.2022 and he has been admitted to interim bail by the trial Court, upon his furnishing bail bonds/surety bonds, no further orders are required to be passed in this case.

Needless to say that the trial Court shall pass necessary orders for confirming the interim bail granted to petitioner, in accordance with law.

The present petition is disposed of in the aforesaid terms.

All the pending application(s), if any, shall stand closed.

07.02.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No