

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CRM-M-45008-2023

Date of decision: 11.09.2023

Rupesh Dhadwal and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Chhavi Sharma, Advocate for
Mr. L.S. Mann, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking quashing of order dated 17.05.2022 (Annexure P-6) passed by learned Additional Chief Judicial Magistrate, Pathankot, whereby they were declared a proclaimed persons in complaint bearing No.NI Act/335/2018 dated 13.04.2018 as well as order dated 16.05.2023 (Annexure P-7) passed by learned Additional Sessions Judge, Pathankot vide which the revision petition filed by the petitioners against order dated 17.05.2022 has been dismissed.

2. Learned counsel for the petitioners submits that the impugned order had been passed without proper compliance of Section 82 of the Cr.P.C. Learned counsel submits that it was a matter of record that proclamation was issued before the expiry of mandated 30 days period. Learned counsel submits that a settlement has also been effected between the petitioners and respondent No.2-complainant vide settlement (Annexure P-8) dated 20.01.2023. She further submits that the petitioners are willing and ready to appear, and surrender before the

Trial Court. Hence, in the aforementioned facts and circumstances, the petitioners be protected till his appearance before the Trial Court and with directions to the Trial Court that their bail application, which they would be filing on their surrender, be decided expeditiously.

3. Notice of motion.

4. On asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab accepts notice on behalf of respondent No..1-State.

5. In view of the limited prayer made by the learned counsel for the petitioners, the instant petition is disposed of with directions to the petitioners to appear and surrender before the Trial Court within 07 days from today. Till then, no coercive steps be taken against the petitioners.

6. It is made clear that in case, the petitioners fail to surrender before the Trial Court within 07 days from today, this order shall be of no avail to them, thereafter. In case, on appearance and surrender, the petitioners move an application for bail before the Trial Court, the same shall be decided expeditiously, by the Trial Court, in accordance with law.

11.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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