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2. It is, *inter alia*, contended by learned counsel for the petitioner that after being granted the concession of bail, the petitioner had been appearing and granted bail by the learned Trial Court in the aforesaid FIR. He contends that due to efflux of COVID-19, the case was adjourned for different dates and ultimately the petitioner was ordered to be served through non-bailable warrants of arrest. He contends that the petitioner was not aware of the date fixed in the Trial Court nor it was so intimated by his counsel due to which he could not appear in the Trial Court.

3. Learned counsel for the petitioner further contends that proclamation was issued qua the petitioner for 14.11.2022. He has referred to the order dated 14.11.2022 (Annexure P-8/26) to contend that proclamation was effected on 20.10.2022. He further contends that as per the zimini orders, statement of the Executive Officer was recorded by the Court and the case was adjourned to 17.01.2023 and then to 01.02.2023 for which date no proclamation was there and in this manner, learned Trial Court has passed the impugned order dated 01.02.2023 (Annexure P-7) without following the due procedure laid down under Section 82 Cr.P.C.

4. It is further contended by learned counsel for the petitioner that there is no other criminal case pending against the petitioner and the petitioner is ready to appear before the learned Trial Court.

5. Notice of motion.

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6. On the asking of the Court, Mr. Subhash Godara, Addl. AG, Punjab, who is present in Court, accepts notice on behalf of the State-respondent and, on instructions from ASI Rajinder Singh, admits the factum of there being no criminal case pending against the petitioner. It is intimated that the case titled as ***State of Punjab vs. Gursharandeep Singh and another, CIS No. CHI-68-2020***, is pending in the Court of learned JMIC, Phagwara, for today itself i.e. 9.11.2023.

7. Keeping in view the above facts and circumstances and finding non compliance of the provisions laid down under Section 82 of the Cr.P.C, in passing the impugned order dated 01.02.2023 (Annexure P-7), the said order, i.e. CIS No. CHI-68-2020, State of Punjab vs. Gursharandeep Singh, is liable to be set aside. As such, the said order dated 01.02.2023 (Annexure P-7), is set aside/quashed.

8. In view of the above, the petitioner is hereby directed to surrender before the learned Trial Court within a period of seven days from the date of receipt of certified copy of this order and in that event, he is ordered to be released on bail to the satisfaction of the concerned Trial Court/Duty Magistrate/Arresting Officer, subject to the conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the

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petitioner; he will not tamperwith the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.
10. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.11.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |