

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123+137

CRM-M-54079-2023 (O&M)

Date of decision: 30.10.2023

Rohit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ranbir Singh Rawat, Advocate and
Mr. Ashwani Kumar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking quashing of order dated 30.09.2023 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Dasua, Hoshiarpur whereby he was declared a proclaimed person in case FIR No.18 dated 19.03.2020 under Sections 323, 341, 34 of the IPC registered at Police Station Gardhiwala, District Hoshiarpur.

2. Learned counsel for the petitioner 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 further submits that the petitioner is willing and ready to appear, and surrender before the Trial Court. Hence, in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the Trial Court and with directions to the Trial Court that his bail application, which he would be filing on his surrender, be decided expeditiously.

3. Notice of motion.

4. On asking of the Court, Mr. Mohit Kapoor, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State.

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

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

7. Since main case stands disposed of, all pending applications are disposed of accordingly.

30.10.2023

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(MANJARI NEHRU KAUL)
JUDGE

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