

CRM-M-55981-2023
Date of decision: 15.11.2023

Sahib SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 23.02.2023 (Annexure P-3) passed by the learned JMIC, Jagraon, in a case bearing FIR No.38 dated 28.02.2018 for the offence under Sections 399/402 of IPC and Sections 25/54/59 of Arms Act registered at Police Station Sudhar, District Ludhiana (Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that the petitioner was granted bail by the trial Court on 30.04.2018, thereafter, the challan was presented in this case on 25.01.2021 and the case was fixed for 12.02.2021. Thereafter, due to restricted working of the trial Court on account of the occurrence of COVID-19 pandemic, the trial Court had been adjourning the case and ultimately, on 28.10.2021, non bailable warrants was issued against all the accused for 24.01.2022 and on 23.02.2023, the petitioner was declared proclaimed offender and notice to the IO was issued for 19.04.2023 to furnish the list of property of the accused for proceeding under Section 83 of Cr.P.C. Copy of the impugned order dated

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23.02.2023 is appended with the petition as Annexure P-3.

Learned counsel for the petitioner further contends that the petitioner is ready and willing to submit himself to the jurisdiction of the learned trial Court and face the trial. The offence in which the FIR is registered is bailable.

Notice of motion.

Ms. Navreet Kaur Barwala, AAG, Punjab puts in appearance on receipt of advance notice of the present petition.

The sole purpose of issuance of non-bailable warrants or issuance of proclamation is to secure the presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the learned trial Court on each and every date.

Accordingly, the present petition is allowed. The impugned order dated 23.02.2023 vide which the petitioner was declared proclaimed person is set aside. The petitioner is directed to appear before the learned trial Court on or before 29.11.2023 and on his doing so, the learned trial Court shall admit him to the bail on his furnishing fresh bail bonds/surety bonds along with Rs.10,000/- as costs, for wasting the precious time of the Court to be deposited with the District Legal Services Authority, Ludhiana.

Disposed off in above terms.

(HARPREET SINGH BRAR)
JUDGE

15.11.2023
Neha

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