

S. No.131

2023:PHHC:159616

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

CRM-M-59338 of 2023

Date of Decision:13.12.2023

Kuldeep Singh @ Deepu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.**

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C, petitioner prays for setting aside the impugned order dated 10.07.2023 passed by learned Judicial Magistrate Ist Class-2, District Moga whereby the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner contends that during the investigation stage itself, warrant of arrest against the petitioner and co-accused were directed to be issued vide order dated 20.03.2023 for 05.04.2023. Petitioner then approached this Court by filing CRM-M-16385 of 2023 and vide order dated 10.04.2023, this Court allowed interim anticipatory bail to the petitioner with direction to join the investigation. Petitioner joined the investigation and fully co-operated in the same as was affirmed by ASI Resham Singh by appearing before this Court on 02.05.2023 and then vide order dated 02.05.2023 (Annexure P.3), this Court affirmed the anticipatory bail granted to the petitioner.

Learned counsel further contends that despite the fact that petitioner had been allowed anticipatory bail by this Court vide order dated 02.05.2023 and the factum of joining of the investigation by the petitioner had been brought to the

notice of the Court by ASI Resham Singh but still this fact was not disclosed to the learned Magistrate who declared the petitioner as proclaimed person vide order dated 10.07.2023.

Notice of motion.

Mr. P.S. Pandher, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel could not refute the afore-said contentions. Learned State Counsel submits that ASI Resham Singh was not aware of the pendency of the PO proceedings before the trial Court and could not inform the Court in this regard due to which wrong order has been passed.

Considering the fact that petitioner was allowed anticipatory bail by this Court, order dated 10.07.2023 declaring the petitioner as proclaimed person is patently wrong and illegal and so, the said order is hereby set aside.

Disposed of.

December 13, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No