



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

341

CRM-M-2425-2024 (O&M)
Date of decision: 03.10.2024

Sarabjit Singh @ Sarvjeet Singh
State of Punjab

Versus

...Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: None for the petitioner.
Mr. Iqbalpreet Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

1. Learned State counsel has placed on record copy of the order dated 23.01.2024 passed by the Court of Sub Divisional Judicial Magistrate, Nangal, wherein the petitioner consequent upon his appearing before it in compliance to the order dated 18.01.2024, has admitted the petitioner on interim bail. On perusal of the same, it transpires that during the course of hearing on 18.01.2024 following order was passed.

“By way of present petition filed under Section 482 Cr.P.C., the petitioner has sought quashing of the impugned order dated 09.10.2023 (Annexure P-10) whereby the petitioner was declared as proclaimed person in case FIR No.70 dated 11.05.2021 registered under Sections 323, 341, 506, 434, 201 and 34 of IPC at P.S. Nangal, District Rupnagar (Annexure P-1)

2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely*



implicated in case FIR No.70 dated 11.05.2021 (Annexure P-1). She submits that the petitioner was never served in the aforesaid FIR as he has been serving in Merchant Navy and without there being due service on the petitioner, the learned trial Court proceeded to declare the petitioner as proclaimed person in this case vide impugned order dated 09.10.2023 (Annexure P-10) without following the due procedure laid down under Section 82 Cr.P.C. She further refers to the order dated 16.08.2023 (Annexure P-9) wherein it is recorded that the nonbailable warrants of the petitioner has been duly served through his mother which is the procedure unknown to law. She submits that there is no other criminal case against the petitioner and the petitioner is ready to join the investigation. Learned counsel for the petitioner further submits that the case is pending for prosecution evidence for 07.02.2024 in the trial Court.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Gurpreet Singh Sandhu, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and seeks time for getting instructions.*

5. *List on 05.02.2024.*

6. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, the trial Court is ordered to release the petitioner on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

2. It is clear from the copy of the order dated 23.01.2024 passed by Sub Divisional Judicial Magistrate, Nangal in case titled 'Punjab State



has put in appearance before the learned trial Court and furnished the requisite bail bonds in compliance to the order dated 18.01.2024. No further action in the matter is required, therefore, without commenting anything on the merits of the case, the bail granted to the petitioner is confirmed and the impugned order dated 09.10.2023 (Annexure P-10) declaring the petitioner as a proclaimed person in FIR No. 70 dated 11.05.2021 under Sections 323, 341, 506, 434, 201, 34 of IPC, registered at Police Station Nangal, District Nangal (Annexure P-1) is hereby set aside.

3. Disposed of.

03.10.2024
Satyawan

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No