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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3653-2024

Date of Decision: 24.07.2024

VIKAS BAJAJ

... Petitioner

Versus

THE STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rishabh Chaudhary, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab..

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 19.01.2015 (Annexure P-2) passed by learned Chief Judicial Magistrate, Hoshiarpur, Punjab in case titled '*State Versus Vikas Bajaj*' in case FIR No.21 dated 04.04.2011 (Annexure P-1) registered under Sections 406 and 420 IPC at P.S. City Hoshiarpur, District Hoshiarpur, Punjab, whereby the petitioner has been declared as proclaimed offender in this case.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 24.01.2024, petitioner appeared before the learned trial Court on 29.01.2024 and furnished requisite bail bonds and surety bonds and placed on record copy of order dated 29.01.2024 passed by learned Chief Judicial Magistrate, Hoshiarpur. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 19.01.2015 (Annexure P-2) passed by learned Chief Judicial Magistrate, Hoshiarpur,



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whereby the petitioner was declared as proclaimed offender, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 29.01.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 24.01.2024:-

“1. By way of present petition filed under Section 482 Cr.P.C. the petitioner has sought quashing of the impugned order dated 19.01.2015 (Annexure P-2) passed by learned Chief Judicial Magistrate, Hoshiarpur, Punjab, in case titled ‘State Versus Vikas Bajaj’ in case FIR No.21 dated 04.04.2011 (Annexure P-1) registered under Sections 406 and 420 of IPC at P.S. City Hoshiarpur, District Hoshiarpur, Punjab, whereby the petitioner has wrongly been declared as proclaimed offender in this case.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner had never been aware of any FIR (Annexure P-1) being registered against him nor he received any summon or warrant in that case to join the investigation or to appear in the trial Court. He contends that the entire proceedings were carried out at the wrong address where the petitioner had never been living. He has referred to the Aadhar Card and Voter Identity Card issued to the petitioner. To support his contention, he categorically submits that even the impugned order has been passed without following the procedure laid down under Section 82 Cr.P.C. He further contends that the proclamation (Annexure P-7) was issued asking the appearance of the petitioner for 19.12.2014 whereas the impugned order has been passed on 19.01.2015 when there was no proclamation for the appearance of the petitioner as such, he prays for acceptance of the petition and quashing of the impugned orders. He submits that the petitioner is ready to join the investigation.

3. Notice of motion.

4. On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and seeks time to file the status report/reply.



- 5. *Adjourned to 15.02.2024.*
- 6. *Reply be filed on or before the next date of hearing with an advance copy to the counsel opposite.*
- 7. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate.”*

6. Keeping in view the fact that the petitioner has already appeared on 29.01.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 24.01.2024, passed by this Court, the present petition is allowed and order dated 19.01.2015 (Annexure P-2), passed by learned Chief Judicial Magistrate, Hoshiarpur, whereby the petitioner was declared as proclaimed offender is hereby set aside and the interim bail granted vide order dated 24.01.2024 is hereby confirmed.
7. The Petition stands disposed of.

(SANJIV BERRY)
JUDGE

24.07.2024
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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |