



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

403

CRM-M-5259-2024 (O&M)

Date of Decision:- 05.11.2024

MANJIT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Arpan Sabharwal, Advocate for the petitioner.

Mr. Iqbalpreet Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned order dated 12.12.2017 (Annexure P-4) passed by the Court of learned Judicial Magistrate First Class, Phillaur, whereby the petitioner was declared as proclaimed offender in case FIR No.61 dated 10.08.2016 registered under Sections 323, 325, 452, 148 and 149 IPC at Police Station Noormahal, District Jalandhar.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 07.02.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 13.02.2024, passed by Judicial Magistrate First Class, Phillaur, whereby the petitioner has been admitted on interim bail by the learned trial Court.



3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 07.02.2024, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that aforesaid FIR was registered against the petitioner and the other co-accused at the instance of respondent No. 2 and even a cross version vide DDR No 003 dated 08.09.2016 under Sections 323, 341, 34 IPC has been registered at Police Noormehal, District Jalandhar Rural in the same FIR. He contends that during the course of proceedings, the petitioner was granted concession of bail and subsequently in the year 2019 compromise was effected between the parties vide Annexure P-2 dated 14.02.2019.

3. Learned counsel for the petitioner further contends that a compromise petition had been filed by the co-accused, i.e. CRM-M-8989-2019 ‘Harjit Singh @ Sukha and others vs State of Punjab and others’ and vide order dated 29.05.2019, this Court had quashed the FIR (supra) as well as the DDR (supra) leaving the petitioner and one co-accused, namely Navjot Singh. He further contends that the aforesaid co-accused, namely Navjot Singh, also filed a quashing petition on basis of same compromise (Annexure P-2) which was allowed by this Court vide order dated 11.03.2022 passed in CRM-M-2051-2020, ‘Navjot Singh @ Kandola Navjot Singh vs. State of Punjab and others’.

4. Learned counsel for the petitioner further contends that the petitioner being under impression that compromise has been effected and his presence is not required, he did not appear in the Trial Court, leading to passing of the impugned order dated 12.12.2017 (Annexure P-4), declaring him proclaimed offender in the case. He further contends that absence of the petitioner was not intentional but due to the aforesaid circumstances and the petitioner is ready to appear before the Trial Court.

5. Notice of motion, returnable for 22.02.2024.

6. On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and does not dispute the factual matrix of the case.

7. *At this stage, learned counsel for the petitioner has given the statement that since it is a State case, as such, respondent No. 2 be deleted from the array of parties.*

8. *Ordered accordingly.*

9. *Keeping in view the above facts and circumstances, the petitioner is directed to appear before the Trial Court/Duty Magistrate with in a period of 07 days from today and in that event, he is ordered to be released on interim bail on furnishing bail/surety bonds to its satisfaction and also subject to deposit of cost of Rs. 10,000/-, to be deposited with the Poor Patients Wefare Fund of the PGIMER, Chandigarh.”*

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 07.02.2024 passed by this Court, the present petition is allowed. The order dated 12.12.2017 (Annexure P-4) passed by the Court of learned Judicial Magistrate First Class, Phillaur, is set aside and the interim bail granted vide order dated 07.02.2024 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.11.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |