



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

331

CRM-M-4839-2024 (O&M)
Date of Decision:- 25.07.2024

AMRISH SHARMA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Siddarth, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned orders dated 04.01.2024 (Annexure P-2) and 24.11.2023 (Annexure P-3) passed by learned Chief Judicial Magistrate, Jagadhri, whereby the petitioner was declared as proclaimed person in case FIR No.650 dated 04.11.2017 registered under Sections 148, 149, 323, 325, 427, 506 IPC at Police Station City Yamuna Nagar District Yamuna Nagar.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 31.01.2024 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 07.02.2024, 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 31.01.2024, the following order was passed.

“2. Learned counsel for the petitioner inter alia contends that after having been nominated as one of the accused in FIR No.650, dated 04.11.2017, (Annexure P-1) the petitioner was granted concession of bail and has been regularly appearing in the learned trial Court and the challan was presented in Court on 29.09.2023 and on that date the petitioner could not appear in Court due to his false involvement in another case bearing FIR No.162 dated 16.04.2023 registered under Section 25 of Arms Act at P.S. Gandhi Nagar, District Yamuna Nagar.

3. He further submits that non-bailable warrants of arrest and even the proclamation could not be served upon the petitioner and the learned trial Court proceeded to pass the impugned order dated 04.01.2024 (Annexure P-2) whereby the petitioner was declared as proclaimed person in this case without following the procedure laid down under Section 82 Cr.P.C.

4. He has referred to the order dated 10.10.2023 passed in CRM-M-30069-2023 titled as ‘Amrish Sharma vs. State of Haryana’ to support his contention that the petitioner has been granted the concession of bail in the other case bearing FIR No.162 (supra). He submits that the petitioner is ready to appear in the Trial Court and prays for concession of bail.

5. Notice of motion.

6. On the asking of the Court, Mr. Dhruv Sihag, AAG, Haryana, present in Court, accepts notice on behalf of the State-respondent.

7. In the meanwhile, the petitioner is hereby directed to join the 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. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.

8. List on 22.02.2024.”



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 31.01.2024, passed by this Court, the present petition is allowed. The orders dated 04.01.2024 (Annexure P-2) and 24.11.2023 (Annexure P-3) passed by learned Chief Judicial Magistrate, Jagadhri, are set aside and the interim bail granted vide order dated 31.01.2024 is hereby confirmed.
7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

25.07.2024
S.Sharma(syr)

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