

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

CRM-M-8819-2024

DECIDED ON: 20.02.2024

JASPAL CHAND

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked seeking quashing of the impugned order dated 21.10.2023 (Annexure P-5) passed by Judicial Magistrate Ist Class, Khanna, District Ludhiana, vide which the petitioner has been declared as Proclaimed Person in FIR No. 36, dated 31.01.2015, under Section 420 IPC, registered at Police Station City Khanna, District Ludhiana.
2. Learned counsel for the petitioner has contended that the absence of the petitioner before the trial Court was neither intentional nor deliberate, who has been appearing before it regularly with the sole motive of getting an early disposal of the trial proceedings. It is submitted on behalf of the petitioner that his sole absence was on account of ill health, who is suffering from multiple ailments and was under treatment. It is further submitted that in that eventuality he was unable to inform his counsel as well. It is worthwhile to notice here that the petitioner was granted the concession of bail by the trial Court vide its order dated 30.05.2015 (Annexure P-2) but during the course of proceedings he remained absent on account of certain

reasons, which was beyond his control including ill health and on that account the presence of the petitioner was sought to be procured vide order dated 28.08.2023 (Annexure P-3). On an earlier occasion also the petitioner has sought the quashing of the order dated 28.08.2013, vide which he was summoned through non-bailable warrants, by way of filing petition before this Court bearing CRM-M-52228-2023. Vide order dated 20.10.2023 (Annexure P-4) passed by this Court, the petitioner was directed to appear before the trial Court on or before 02.11.2023 and on doing so, the trial Court was directed to release the petitioner on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

3. Keeping in view the peculiar circumstances and sequence of events, as has been averred in the petition, the petitioner is directed to surrender before the trial Court within a period of one week from today and to file an application seeking regular bail. On doing so, the trial Court is directed to consider and decide the application on the same very day in accordance with law.

4. With the afore-said observation, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

20.02.2024
Sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>