



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

323

CRM-M-8722-2024 (O&M)

Date of Decision:- 11.07.2024

GURDEV SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. The present petition under Section 482 CrPC has been preferred by the petitioner for quashing of the impugned order dated 01.05.2019 (Annexure P-5) passed by learned Judicial Magistrate First Class, Dasuya, whereby petitioner had been declared proclaimed person in case FIR No.04 dated 03.01.2011 registered under Sections 279, 323, 379, 427, 506 and 34 IPC at Police Station Tanda, District Hoshiarpur.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 28.02.2024 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 05.03.2024 of the trial Court, wherein it is mentioned that the petitioner has deposited the cost of Rs.10,000/- in terms of order dated 28.02.2024, whereafter, he has been



admitted on interim bail.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 28.02.2024, the following order was passed.

“2. Learned counsel for the petitioner, inter alia, contends that the petitioner, after having been arrested in case FIR (Annexure P-1), was granted concession of bail but later on he absented from proceedings leading to cancellation of bail. He submits that on 02.12.2018, proclamation was issued and he further refers to the order dated 05.12.2018 (Annexure P-3) wherein it is mentioned that proclamation has been received back unexecuted and fresh proclamation was issued for 21.02.2019, however, as per Annexure P-4, the report dated 02.12.2018 made by the Executing Officials shows that the proclamation qua service of the petitioner was effected on 02.12.2018 and based on this report, the learned trial Court vide impugned order dated 01.05.2019 (Annexure P-5) declared the petitioner as proclaimed person. He submits that there was no proclamation issued in which the petitioner is required to appear in Court on 01.05.2019 nor even the proclamation was ever served upon the petitioner and as such there is violation of the provision contained in Section 82 Cr.P.C. and as such seeks quashing of the impugned order (Annexure P-5). He submits that the petitioner is ready to appear in the trial Court to face the trial and seeks concessions of bail as compromise has already been effected with the complainant.

3. Notice of motion.

4. On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

5. Ms. Mehak Bedi, Advocate, has put in appearance on behalf of the respondent No.2 and admits the factum of compromise.

6. In these circumstances, without commenting on the merits of the case, the petitioner is directed to appear in the trial Court 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 concerned trial Court/Duty Magistrate. However, this shall be subject to deposit of cost

7. The trial Court may impose any condition in accordance with law to ensure the due presence of the petitioner on each and every date of hearing. The petitioner is further directed to deposit Rs.10,000/- as cost in Punjab and Haryana High Court Bar



Clerks Association, Chandigarh Regd No. 2441/1995, Account Number 65004775776, State Bank of India, IFSC Code SBIN 0050306 High Court Branch and receipt thereof be produced before learned trial Court.”

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 28.02.2024 passed by this Court, the present petition is allowed. The order dated 01.05.2019 (Annexure P-5), passed by learned Judicial Magistrate First Class, Dasuya is set aside and the interim bail granted vide order dated 28.02.2024 is hereby confirmed.
7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

11.07.2024
S.Sharma(syr)

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