

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8983-2024
Date of decision: 05.04.2024

KULDEEP SINGH
.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER
....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ramesh Chand Sharma, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Learned counsel for the petitioner contends that the petitioner had appeared in the learned Trial Court on 28.03.2024 in compliance to the order dated 22.03.2024 passed by this Court and furnished the requisite bail bonds and has also deposited the cost of Rs.10,000/- in compliance to the order dated 22.03.2024.
2. Learned State counsel on instructions from ASI Kawal Singh, P.S. Jodha, District Ludhiana has admitted the factual matrix of the case.
3. During course of hearing on 22.03.2024, the following order had been passed:

“2. Learned counsel for the petitioner, inter alia, contends that the petitioner was nominated as one of the accused in case FIR (Annexure P-1). He submits that after initiation of the proceedings against the petitioner, he never received any

notice or warrant as such he could not appear in the Court and ultimately he was declared as proclaimed offender in the case vide impugned order dated 14.12.2023 (Annexure P-2). He further states that the learned trial Court has passed the impugned order without following the proper procedure under Section 82 Cr.P.C. as there was no proclamation for the appearance of the petitioner for 14.12.2023 and as per the record the proclamation in question was effected wayback on 25.04.2023, although the petitioner never received any such intimation. He further states that petitioner is ready to appear in the trial Court and face trial. He submits that in the meanwhile the petitioner along with all the accused in the case have effected compromise and had filed petition i.e. CRM-M5002-2024 seeking quashing of the FIR on the basis of compromise.

3. Notice of motion.

4. On the asking of the Court, Mr. Ankit Grewal, DAG Punjab, accepts notice on behalf of the State and has not disputed the factual matrix.

5. Mr. B.S.Jaswal, Advocate has put in appearance on behalf of respondent No.2. He admits the factum of compromise effected between the parties and filing of quashing petition vide CRM-M-5002-2024.

6. Adjourned to 05.04.2024.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite.

8. This order will be subject to deposit of cost of Rs.10,000/- (collectively) with the Poor Patients Welfare Fund of the PGIMER, Chandigarh, before the date of recording of thier statements and produce the receipt of the same to the trial court/Illaqa Magistrate.

9. In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency will he seek prior exemption from the Court in accordance with law.”

4. Since, in pursuance to the order passed by this Court on 22.03.2024, the petitioner has already appeared before the learned Trial Court and furnished the requisite bail bonds as admitted by learned State counsel, the present petition is hereby allowed and the impugned order dated 14.12.2023 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Jagraon is accordingly set aside.

5. Disposed of.

05.04.2024
puneet

(SANJIV BERRY)
JUDGE

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