

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M- 9766-2024
Date of decision: 18.03.2024

Madan Lal.....Petitioner

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Aarti, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. By way of instant petition preferred under Section 482 Cr.PC, the petitioner has sought quashing of the impugned order dated 02.12.2023, passed by learned Judicial Magistrate Ist Class, SBS Nagar, in case *CHI-373-2020* titled as ‘*State vs. Amarjit Kumar @ Billu and others*’ (Annexure P-3) in case FIR (Annexure P-1), whereby the petitioner had been declared proclaimed person. Details of the FIR are as under: -

FIR No.	Dated	Section	Police Station
44	05.05.2020	188 IPC	Behram, District SBS Nagar

2. Learned counsel for the petitioner submits that in compliance to the order dated 29.02.2024, the petitioner has joined the investigation and has already appeared before the learned Trial Court.

3. During the course of hearing on 29.02.2024, following order had been passed: -

'Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has not committed any violation of the instructions issued by the District Magistrate during the Covid-19 pandemic, as has been alleged in the FIR. She submits that the petitioner was never served in the case and without following the procedure laid down under Section 82 CrPC, the petitioner has been declared proclaimed person vide impugned order dated 02.12.2023 (Annexure P-3). She submits that the petitioner is ready to appear before the trial Court and face trial.

3. Notice of motion.

4. On the asking of the Court, Mr. Harpreet Singh, Additional AG Punjab accepts notice on behalf of respondent-State and seeks time to file reply.

5. Be filed on or before the next date of hearing with an advance copy to the counsel opposite.

6. List on 18.03.2024.

7. 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. On the other hand, learned State Counsel, has filed a short reply in the form of affidavit dated 18.03.2024 of Deputy Superintendent of Police Sub Division Banga, District Shaheed Bhagat Singh Nagar, on behalf of the respondent, the same is taken on record. He has intimated that the petitioner has surrendered before the concerned Court on 04.03.2024 in compliance to the order dated 29.02.2024 passed by this Court.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 29.02.2024 passed by this Court, interim bail granted vide order dated 29.02.2024 is hereby confirmed. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer/Trial Court upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. With these observations, impugned order dated 02.12.2023 passed by learned Judicial Magistrate Ist Class, SBS Nagar, (Annexure P-3) vide which the petitioner had been declared proclaimed person is set aside and the instant petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.03.2024preeti

(SANJIV BERRY)
JUDGE

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