

S. No.130

2024:PHHC:025760

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

CRM-M-9853 of 2024

Date of Decision:26.02.2024

Shivani Jhand

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurinder Singh Dhot, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of order dated 04.01.2020 (Annexure P.4) whereby petitioner has been declared as proclaimed person, passed by learned Chief Judicial Magistrate, Mohali in case FIR No.24 dated 15.02.2019 registered under Sections 406 and 420 IPC at Police Station Phase-1, SAS Nagar, Mohali.

Learned counsel for the petitioner has pointed out that vide an order dated 19.11.2019, passed in CRM-M-49013 of 2019, this Court had allowed interim anticipatory bail to the petitioner subject to the condition that he shall join the investigation. Despite the said order passed by this Court, the petitioner was declared proclaimed offender by the Court of Chief Judicial Magistrate, Mohali on 04.01.2020 probably because of the lapse on the part of the Investigating Officer in not informing the Court regarding the interim anticipatory bail granted to the petitioner.

Learned counsel has further drawn attention towards order dated 30.06.2021 (Annexure P.3) whereby interim anticipatory bail earlier granted to the petitioner was made absolute.

Notice of motion.

Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel concedes the fact that order dated 04.01.2020 passed by learned Chief Judicial Magistrate, Mohali appears to have been passed without being informed about the orders of anticipatory bail in favour of the petitioner.

Considering the afore-said facts and circumstances, order dated 04.01.2020 (Annexure P.4), whereby the petitioner, was declared proclaimed person is hereby quashed.

Disposed of.

February 26, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No