

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

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Criminal Misc. No. M-12225 of 2024

Date of decision :-20.04.2024

Jaswinder Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

By way of filing the present petition under Section 482 Cr.P.C., the petitioners are seeking quashing of impugned order dated 13.04.2023 (Annexure P-3), passed by the learned Chief Judicial Magistrate, Moga, declaring them as proclaimed persons in case FIR No. 237 dated 09.11.2018 (Annexure P-1), under Sections 3,4,5,6 and 7 of Immoral Traffic (Prevention) Act, 1956 and Section 120-B of IPC, registered at Police Station City, Moga.

Learned counsel for the petitioners *inter alia* submits that the petitioners were arrested from a hotel room and without going into the fact that they were in a relationship and going to be married soon, they have falsely been implicated in the present FIR. Learned counsel further submits that on 14.01.2019, the petitioners got married and since they were apprehending threat to their life and liberty, they filed a protection petition before the learned Sessions Court at Moga,

which, vide order dated 10.06.2019 (Annexure P-2) passed by the learned Vacation Judge, Moga, was allowed and protection was granted to the petitioners. Learned counsel submits that as per the said facts, Sections 3,4,5,6 and 7 of Immoral Traffic (Prevention) Act, 1956 and Section 120-B of IPC are not attracted in the present case. Learned counsel further submits that because of the perceived threat from the parents of petitioner No.2, the petitioners shifted their residence to Village Charrik, District Moga and could not appear before the learned trial Court, therefore, vide impugned order dated 13.04.2023 passed by the learned Chief Judicial Magistrate, Moga, they were declared proclaimed persons.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and filed the status report dated 20.04.2024 filed by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, City, District Moga. The same is taken on record. Copy thereof supplied to the counsel opposite.

Learned counsel for the State submits that there were five accused in the matter and three out of them have been acquitted by the learned trial Court vide judgment dated 20.09.2023 (Annexure P-4), passed by the Chief Judicial Magistrate, Moga. It is further submitted that the petitioners were declared proclaimed persons vide order dated 13.04.2023 (Annexure P-3).

Learned counsel for the petitioners submits that the petitioners are ready and willing to surrender before the learned trial

Court to attend the trial proceedings and therefore, requests that the impugned order dated 13.04.2023 be set aside.

I have heard learned counsel for the parties and gone through the case file.

In view of the above, the impugned order dated 13.04.2023 (Annexure P-3) declaring the petitioners to be proclaimed persons and all subsequent proceedings arising therefrom are ordered to be set aside. The petitioners are directed to surrender before the trial Court/Duty Magistrate on 25.04.2024 and move an application for regular bail, which shall be considered and disposed of by the trial Court/Duty Magistrate on the same day, by accepting fresh bail/surety bonds to be furnished by the petitioners, as per satisfaction of the trial Court.

The instant petition stands disposed of, accordingly.

April 20, 2024

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No