

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13100 of 2024 (O&M)
Date of decision: 18.03.2024

Rajan Katna

... Petitioner

Versus

Wazir Chand Rakesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anoop Verma, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) for quashing of impugned order dated 19.02.2024 (P-1), passed by learned Judicial Magistrate First Class, Abohar in case bearing NACT No. 200 of 2021 dated 08.03.2021, titled as “**M/s Wazir Chand Etc. Versus Rajan Katna Etc.**”, without following the due procedure prescribed under law and without complying with the 30 days mandatory statutory period from the date of publication of the proclamation till the date of hearing fixed in the case for appearance and thus, without complying the essential requirements of Section 82 Cr.P.C. for issuance and publication of proclamation against the petitioner and petitioner declared as proclaimed person.

(2) Learned Counsel for the petitioner on instructions submits that this petition be disposed off in terms of CRM-M-12865-2024, decided on 14.03.2024.

(3) For reference, the relevant part of aforesaid order dated 14.03.2024 reads as under:-

- “(2) After arguing for some time, learned counsel for the petitioner on instructions submits that instead of pressing the petition on merits, he will be satisfied, in case, protection granted by learned Sessions Court is extended for two weeks.
- (3) Given the nature of order being passed, service upon respondents is dispensed with.
- (4) In view of the above, present petition is disposed off with the observations that petitioner may join proceedings before the Court of competent jurisdiction within two weeks from today and pre-arrest bail granted by learned Sessions Court shall be extended till then.
- (5) The above observations may not be construed as an expression of opinion on merits of the case in any manner.
- (6) However, if respondents feel aggrieved against this order, they may move an appropriate application for recalling of this order.”

- (4) In view of the above, present petition is disposed off in terms of order dated 14.03.2024 (*supra*).
- (5) As a result thereof, the interim protection granted to the petitioner by learned Sessions Judge, Fazilka, vide order dated 08.02.2024 (P-6), is extended upto 31.03.2024.
- (6) Pending application(s), if any, shall also stand disposed off.

18th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No