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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14368-2024
Date of Decision: 10.05.2024

YADWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ranbir Singh Sekhon, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of affidavit dated 10.05.2024 of Deputy Superintendent of Police (City) Ferozepur, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The present petition under Section 482 Cr.P.C has been preferred by the petitioner for quashing of the impugned order dated 09.03.2023 (Annexure P-3) passed by learned Judicial Magistrate First Class, Ferozepur in case CIS No. CHI/267/2020 '*State of Punjab vs. Gurnam Singh and others*' whereby the petitioner was declared proclaimed offender/person in case FIR (Annexure P-1).

3. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 24.04.2024, petitioner appeared before the

learned trial Court and furnished requisite bonds and surety bonds and after accepting the same release order of the petitioner has been issued vide order dated 29.04.2024 passed by the learned Judicial Magistrate Ist Class, Ferozepur. He contends that the petitioner has joined the trial Court proceedings, as such the impugned order 09.03.2023 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Ferozepur, in case CIS No. CHI/267/2020 ‘*State of Punjab vs. Gurnam Singh and others*’ whereby the petitioner was declared proclaimed offender/person in case FIR (Annexure P-1) may be quashed.

4. Learned State counsel has not disputed the aforesaid factual position.
5. Heard.
6. During the course of the proceedings, following order was passed on 24.04.2024:-

“Instant petition has been preferred under Section 482 Cr. P.C. seeking quashing of the order dated 09.03.2023 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Ferozepur, in case CIS No. CHI/267/2020 ‘State of Punjab vs. Gurnam Singh and others’ whereby the petitioner had been declared proclaimed offender/person in case FIR (Annexure P-1) with all other consequential proceedings arising therefrom. Details of the FIR are mentioned below: -

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
344	26.11.2017	379, 420, 120-B IPC	Sadar Ferozepur, District Ferozepur

2. Heard.
3. Learned counsel for the petitioner, inter alia, contends that the petitioner was declared innocent after investigation by the police, while the challan was presented



against the co-accused in the Court of learned Judicial Magistrate Ist Class, Faridkot. However, during the course of trial the petitioner was summoned to face the trial on an application preferred under Section 319 Cr. PC. He contends that the petitioner never received any summon or notice to appear in the learned Trial Court but had been declared as proclaimed person vide the impugned order dated 09.03.2023 (Annexure P-3) passed by the Court of learned Judicial Magistrate Ist Class, Faridkot, which is in violation of the provisions contained under Section 82 Cr. PC. He refers to Annexure P-5 dated 09.03.2023, the statement of the executing official, wherein, it is mentioned that the proclamation was effected on 05.03.2023.

4. *Learned counsel for the petitioner contends that the petitioner has been declared as proclaimed person in this case vide impugned order dated 09.03.2023 (Annexure P-3) which is not after the expiry of 30 days as required under Section 82 Cr.PC. He contends that the petitioner is ready to face the trial and seeks protection of interim bail.*

5. *Notice of motion.*

6. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice and prays for time to file reply/status report in the matter.*

7. *Adjourned to 10.05.2024.*

8. *In the meantime, petitioner is directed to appear in the learned Trial Court within 07 days from today and in that event he is ordered to be admitted to interim bail on his furnishing surety/bail bonds to the satisfaction of the learned Trial Court.*

9. *The petitioner shall also furnish a specific undertaking before the trial Court that in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and the petitioner will also not influence the witnesses in any manner.”*

7. Keeping in view the fact that the petitioner has already appeared before the learned trial Court and furnished his requisite bail/surety bonds consequent to the order dated 24.04.2024, passed by this Court, the present

petition is allowed, and order dated 09.03.2023 (Annexure P-3), passed by learned Judicial Magistrate First Class, Ferozepur whereby the petitioner has been declared as proclaimed person is hereby set aside and the interim bail granted vide order dated 24.04.2024 is hereby confirmed.

8. The Petition stands allowed.

(SANJIV BERRY)
JUDGE

10.05.2024
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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |