

CRM-M-17046-2024 (O&M)
DATE OF DECISION: 03.07.2024

RAJAT SAINI **..PETITIONER**

Versus

STATE OF UT CHANDIGARH AND ORS
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. SS Nain, Advocate for the petitioner(s).

SANDEEP MOUDGIL, J (ORAL)

This petitioner has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 18.07.2022 passed by learned Judicial Magistrate Ist Class, Chandigarh whereby the present petitioner has been declared Proclaimed person.

Learned counsel for the petitioner has placed on record compromise deed dated 02.07.2024 to assert that the parties that is M/s Goyal Filling Station through its partner Mr. Anmol Bansal and M/s. Sathak Logistics Pvt. Ltd. Through its Director Rajat Saini have entered into a settlement to bring an end to the present litigation and it is argued on behalf of the petitioner that continuation of the proceedings under Section 82 Cr.P.C. and in the FIR proceedings under Section 174-A is of no use.

The petitioner is stated to have been declared P.O. on 13.06.2018. Thereafter, the petitioner appeared through his counsel on



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19.12.2019 and was granted bail and the matter was fixed for consideration for 08.01.2020.

Then again the petitioner declared proclaimed person on 18.07.2022 i.e. Annexure P-5. The present petition has been preferred before this Court assailing the same on the ground that due procedure mentioned in Section 82 Cr.P.C. has not been followed including 30 days stipulated period which is mandatory before declaration on the date of proclamation effects.

Considering the settlement arrived at between the parties, the order dated 18.07.2022 is kept in abeyance and the petitioner is directed to surrender before the Trial Court within ten days from today. In case an application is preferred by the petitioner seeking bail, the same be considered on that very date.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

03.07.2024*anuradha**Whether speaking/reasoned* *Yes/No**Whether reportable* *Yes/No*