

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

CRM-M-21003-2024

Date of Decision : 01.05.2024

NARINDER KUMAR ALIAS NIKKA ALIAS GORA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.D.Rattewal, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. The present petition has been filed seeking quashing/setting aside of impugned order dated 05.11.2022 (Annexure P-4), whereby the petitioner has been declared proclaimed person by the learned Sub Divisional Judicial Magistrate, Phillaur, District Jalandhar, in case FIR no.237, dated 28.06.2017 (Annexure P-1), registered under Sections 279, 427 and 304-A of the IPC, at Police Station Phillaur, District Jalandhar.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner has never been served with the summons or bailable or non-bailable warrants or proclamation, issued, personally or through his family members, and in gross violation of provisions of Section 82 of the Cr.P.C., the impugned order has been passed.

3. He further submits that the petitioner has no intention to run away from the clutches of law, rather he is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

4. He further submits that earlier also the present petitioner was declared proclaimed offender in another FIR bearing No.90, dated 28.08.2019, under Section 61-1-14 of the Excise Act, registered at Police Station Sadar Banga, District SBS Nagar, and upon approaching this Court through CRM-M-13522-2024, vide order dated 15.03.2024, he was directed to surrender before the learned trial Court concerned, and pursuance thereof, upon surrendering, the petitioner has been granted bail by the learned trial Court concerned, and he is regularly appearing in that case.

5. Notice of motion.

6. Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and vociferously opposes the grant of relief as sought through the instant petition.

7. This Court has heard the learned counsel for both the parties concerned, and has gone perused the entire case file.

8. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality or illegality of the impugned order, whereby, the petitioner was declared a proclaimed person, this Court directs the petitioner to surrender before the learned trial Court concerned within 15 days from today, and

thereupon, make an application for grant of regular bail before the Court concerned.

9. The petitioner is burdened with the cost of Rs.10,000/-, to be deposited with the District Legal Services Authority concerned.

10. In case the petitioner surrenders before the learned trial Court concerned, within the stipulated time and moves a regular bail application, the same shall be decided according to the law.

11. In the meanwhile, the arrest of the petitioner shall remain stayed.

12. However, in case, the petitioner fails to appear before the learned trial Court concerned within 15 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* be vacated, without any further reference to this Court.

13. **Disposed of** accordingly.

14. All pending application(s), if any, also stands disposed of.

May 01, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No