



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201-B CRM-M-22429-2024
Date of decision: 31.08.2024

HARDEEP SINGH ALIAS DEEPA AND ORS.

.... PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 20.04.2024 (Annexure P-6), vide which the petitioners have been declared as proclaimed persons in case FIR No.105 dated 22.07.2023 registered under Sections 356, 379-B, 323, 506, 34 and 120-B of IPC, Police Station City-I Malerkotla, District Sangrur (Annexure P-1).

On 23.07.2024, the following order was passed:-

“The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 20.04.2024 (Annexure P-6) vide which the petitioners have been declared a proclaimed persons in case FIR No.105 dated 22.07.2023 registered under Sections 356, 379-B, 323, 506, 34, 120-B IPC at Police Station City-I, Malerkotla, District Sangrur.

Reply by way of affidavit dated 22.07.2024 of the Deputy Superintendent of Police, Sub Division, Malerkotla, District Malerkotla filed today in the Court is taken on



record.

The learned counsel for the petitioner submits that the first petition for grant of anticipatory was ordered to be dismissed as withdrawn on 11.12.2023. Thereafter, the second petition was filed for grant of anticipatory bail in January 2024. A quashing petition based on a compromise was filed on 05.03.2024 in which the parties were directed to get their statements recorded in terms of the compromise. However, despite that fact, the petitioners were declared proclaimed persons on 20.04.2024 by the Sub Divisional Judicial Magistrate, Malerkotla.

It is the contention of counsel for the petitioners that as a compromise had been arrived at between the parties and they were availing their remedies in accordance with law and, therefore, the impugned order ought not to have been passed and the same was liable to be quashed.

Notice of motion for 31.08.2024.

In the meantime, the order dated 20.04.2024 (Annexure P-6) shall remain stayed.”

Pursuant to the passing of the aforementioned order, the petitioners sought the concession of anticipatory bail and were granted the same by this Court vide order dated 23.07.2024 passed in CRM-M-1535-2024. The said order is as under:-

“The prayer in the petition under Section 438 Cr.P.C. is for grant of concession of anticipatory bail to the petitioner in case FIR No.105 dated 22.07.2023 under Sections 356, 379-B, 323, 506, 34, 120-B IPC registered at Police Station City-I, Malerkotla, District Sangrur.

As the parties have effected a settlement and a quashing petition based on the compromise has been filed before this Court, adjourned to 31.08.2024.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his



furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.PC :-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the court or to any police officer*
- (iii) that the petitioner shall not leave the country without prior permission to the Court and shall surrender his passport(s), if any.*

Meanwhile the State is directed to file a reply to the petition on or before the next date of hearing.”

As the petitioners have joined the proceedings and the matter stands compromised, no useful purpose would be served by allowing the proceedings emanating out of the order dated 20.04.2024 (Annexure P-6) to continue.

In view of the above, the order dated 20.04.2024 (Annexure P-6), whereby the petitioners have been declared proclaimed persons stands quashed.

(JASJIT SINGH BEDI)
JUDGE

31.08.2024

Kusum

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>