

CRM-M-24795-2023 (O & M)

2024:PHHC:105065



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(287-2)

CRM-M-24795-2023 (O & M)

Date of decision: 13.08.2024

Sandeep Kumar and ors.

... Petitioners

V/s

State of U.T., Chd.

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amandeep Vashisth, Advocate,
for the petitioner.

Mr. Rajeev Anand, APP, for U.T., Chandigarh
respondent.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the impugned order dated 24.11.2022 (P-5) passed by the Judicial Magistrate Ist Class, Chandigarh whereby the petitioners have been declared proclaimed persons in case FIR No.0251 dated 19.08.2016 under Section 420 IPC registered at Police Station Sector 39, Chandigarh.

2. On 16.05.2023, the following order was passed:-

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of impugned order dated 24.11.2022 passed by learned Judicial Magistrate First Class, Chanidgarh whereby the petitioners have been declared proclaimed persons in case FIR No.251 dated 19.08.2016 registered under Section 420 of

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the Indian Penal Code, 1860 at Police Station Sector-39, Chandigarh.

Notice of motion.

On the asking of the Court, Mr. Ujwal Anand, Advocate for Mr. Rajeev Anand, Addl. Public Prosecutor, who is present in the Court, has accepted notice on behalf of the respondent-U.T. Chanidgarh and seeks time to complete his instructions.

Adjourned to 03.07.2023.

On 03.07.2023, the following order was passed:-

As the main case is fixed today, therefore, application bearing No.CRM-23345-2023 seeking preponement of the main case is disposed of as infructuous.

Learned counsel submits that as per allegations in the FIR, complainant had suffered loss of approximately Rs.11 lacs for breach of the business agreement with the petitioner/accused and after registration of the case, the alleged loss suffered by the complainant was made good, whereupon the concession of pre arrest bail was extended to the petitioners. He submits that subsequently, petitioners were declared proclaimed persons through impugned order dated 24.11.2022.

Learned counsel has stated that now the parties have completely settled the dispute and petitioners are in process of filing the petition for quashing of subject FIR on the basis of the compromise.

Adjourned to 25.09.2023.

Meanwhile, in case the petitioners appear before the trial Court on or before 12.07.2023, they shall be released on interim regular bail subject to their furnishing requisite bail bonds and surety bonds to the satisfaction of the Court.



3. The learned counsel for the petitioners contends that in deference to the aforementioned orders, the petitioners have surrendered before the Court of Judicial Magistrate Ist Class, Chandigarh and have since been released on bail vide order dated 12.07.2023. A copy thereof is taken on record as Mark ‘A’.

4. In view of the above, the impugned order dated 24.11.2022 (P-5) and the consequential FIR bearing No.0209 dated 16.12.2022 under Section 174-A IPC, Police Station Sector 39 Chandigarh (P-6) stand quashed subject to a deposit of Rs.25,000/- as costs with Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building Manimajra, Sector 13, Chandigarh. A copy of the receipt regarding deposit of Rs.25,000/- with the aforesaid Society be placed on record.

August 13, , 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No