

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

370

CRM-M No.25837 of 2024(O&M)
Date of Decision: 15.10.2024

Baaj Singh

....Petitioner.

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Iqbal Preet Singh, Assistant Advocate General, Punjab.

SANJIV BERRY, J.(Oral)

1.
- Learned counsel for the petitioner has placed on record copy of order dated 23.05.2024 passed by learned Judicial Magistrate Ist Class, Amritsar, in CRM/2365/2024 to submit that the petitioner has already surrendered and has been granted interim bail by the learned Trial Court in compliance with order dated 21.05.2024 passed by this Court.
2.
- Learned State counsel has not disputed this aspect.
3.
- During the course of hearing on 21.05.2024, the following order was passed:-

“By way of present petition filed under Section 482 Cr.PC, the petitioner seeks quashing of the order dated 27.02.2023 (Annexure P-5) passed by learned Judicial Magistrate Ist Class, Amritsar, vide which the present petitioner has been declared as proclaimed person in case FIR (Annexure P-1) as mentioned below: -

FIR No.	Dated	Sections	Police Station
0023	16.03.2020	457, 380, 201 IPC	Gharinda, District Amritsar

2. Heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner had been falsely implicated in this case and consequently, he was admitted to anticipatory bail vide order dated 19.11.2020 passed by learned Additional Sessions Judge, Amritsar, and later on, the petitioner joined the investigation. He contends that thereafter on account of COVID 19 Pandemic, the petitioner could not appear in the Court and even the challan was presented in his absence. He contends that the petitioner never received any notice from the police nor from the Court concerned to appear in this case and ultimately, vide the impugned order (supra), the petitioner was declared as proclaimed person. He contends that the impugned order (supra) has been passed without there being any notice to the petitioner nor he was aware of such proceedings being carried out.

4. Learned counsel for the petitioner contends that the petitioner is not having any other criminal case registered against him and is ready to appear before the learned Trial Court.

5. Notice of motion, returnable for 31.05.2024.

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 the status report/reply in the matter.

7. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Duty Magistrate concerned within a period of 07 days from today and in that event, he is ordered to be released on interim bail subject to its satisfaction.

8. The petitioner shall also furnish a specific undertaking before the learned 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.”

4.. Since the petitioner has already put in appearance before the learned Trial Court as per order dated 23.05.2024 passed by the learned Judicial Magistrate Ist Class, Amritsar, in compliance to order dated 21.05.2024 passed by this Court; furnished the requisite bail bonds and has already been granted interim bail by the learned Trial Court, therefore, in these circumstances, interim bail granted to the petitioner vide order dated 21.05.2024 is hereby confirmed and impugned order dated 27.02.2023 (Annexure P-5) declaring the petitioner as ‘proclaimed person’ is hereby set aside.

5. The instant petition is disposed of accordingly.

15.10.2024
d.gulati

(SANJIV BERRY)
JUDGE

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