



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

267

CRM-M-26248-2024 (O&M)
Date of Decision:- 29.11.2024

JAGDEEP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Rajeev K. Kapila, Advocate for the petitioner.

Mr. Amit Shukla, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned order dated 01.03.2024 (Annexure P-3) passed by the Court of learned Sub Divisional Judicial Magistrate, Dasuya, whereby the petitioner was declared as proclaimed offender in case FIR No.119 dated 24.07.2022 registered under Sections 323, 325, 149 IPC at Police Station Dasuya, District Hoshiarpur.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 10.09.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 16.09.2024, passed by learned Sub Divisional Judicial Magistrate, Dasuya, whereby the petitioner has been admitted on interim bail by the learned trial Court.



3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 10.09.2024, the following order was passed.

“3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been nominated in the aforesaid FIR, was granted concession of bail and had been regularly appearing in the Trial Court. She contends that instant case was registered against the petitioner by his wife on account of matrimonial discord and subsequently there was mutual settlement arrived at between the parties. She contends that under the mistaken belief that the matter has been settled, the petitioner did not appear before the learned Trial Court leading to cancellation of his bail; issuance of nonailable warrants of arrest and subsequently being declared as proclaimed offender vide impugned order dated 01.03.2024 (supra).

4. It is further contended by learned counsel for the petitioner that while declaring the petitioner as proclaimed offender, the learned Trial Court has not adhered to the statutory provisions laid down under Section 82 Cr.PC and there was no notice to the petitioner to appear before the learned Trial Court on 01.03.2024, hence, the proclamation was issued for 09.02.2024 only. She contends that the petitioner is ready to appear before the learned Trial Court and in future will regularly appear on each and every date of hearing, without fail.

5. Notice of motion.

6. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He submits that the trial is pending for 21.10.2024.

7. Considering the above facts and circumstances and the submissions thereof, without commenting on the merits of the case, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 07 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on furnishing surety/bail bonds.

8. The petitioner shall also furnish a specific



undertaking before the learned Trial Court/Judge on duty 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.

9. The petitioner is also directed to deposit cost of Rs. 5,000/- in the District Legal Services Authority, Hoshiarpur. 10. List on 27.09.2024.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 10.09.2024 passed by this Court, the present petition is allowed. The order dated 01.03.2024 (Annexure P-3) passed by the Court of learned Sub Divisional Judicial Magistrate, Dasuya is set aside and the interim bail granted vide order dated 10.09.2024 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

29.11.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No