



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

216/A

CRM-M-28620-2024 (O&M)

Date of decision: 12.08.2024

AJAY KUMAR ALIAS BUNTY

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. J.S. Sohal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Ravi Malhotra, Advocate with
Mr. Aman Godara, Advocate and
Mr. Rohit Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 482 Cr.P.C for quashing the order dated 09.04.2024 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Ludhiana in case FIR No.75 dated 01.09.2023 registered under Sections 363 and 366-A IPC (Section 376 IPC and Section 4 of the POCSO Act, 2012 added later on) at Police Station Ladhuwal, Police Commissionerate, Ludhiana, whereby the petitioner has been declared a proclaimed person.

2. Learned counsel for the petitioner contends that the petitioner is a permanent resident of Himachal Pradesh and is employed as Head Constable in the Police department. The petitioner was never served with any court notice and



during the pendency of the petition for grant of anticipatory bail before this Court, the petitioner has been declared as proclaimed person vide order dated 09.04.2024 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Ludhiana. He further contends that the said order is patently illegal and the petitioner is ready to join the proceedings.

3. Learned State counsel has opposed the bail on the ground of gravity of allegations against the petitioner.

4. I have considered the aforesaid submissions and perused the paper-book.

5. Perusal of connected petition i.e. CRM-M-8321-2024 transpires that first bail petition for grant of anticipatory bail of the petitioner was dismissed as withdrawn vide order dated 08.11.2023 (Annexure P-5 in CRM-M-8321-2024) passed by this Court. The second bail petition was dismissed on merits vide order dated 22.11.2023 (Annexure P-6 in CRM-M-8321-2024). After dismissal of both the said petitions, the petitioner had neither joined the proceedings nor did he appear before the trial Court. However, the petitioner has filed third petition (CRM-M-8321-2024) for grant of anticipatory bail on 14.02.2024.

6. Perusal of the impugned order dated 09.04.2024 (Annexure P-2) indicates that service of proclamation of the petitioner was effected on 06.03.2024 i.e prior to filing of the third petition for grant of anticipatory bail. However, the petitioner was subsequently declared as proclaimed person on 09.04.2024. Before filing of the third petition for grant of anticipatory bail, the proclamation for appearance of the petitioner had already been served.

7. No illegality has been found in the impugned order, since the



petitioner did not appear despite service of the proclamation. As such, the impugned order does not suffer from any illegality or irregularity.

- 8. Consequently, the present petition is dismissed.
- 9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12.08.2024
P.Bhatt

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