

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

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2024.PHHC.091843



CRM-M-34753-2024

Date of decision: 22.07.2024

LAKHVIR SINGH ALIAS LAKHVEER SINGH ALIAS LAKHA

....Petitioner

VS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Neha Randhawa, Advocate for
Mr. Armaan Gagneja, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of PO order 17.05.2023 (Annexure P-6), passed by learned Sub Divisional Judicial Magistrate, Jalalabad, vide which the petitioner has been declared proclaimed person in FIR No.114, dated 22.07.2020 (Annexure P-1), under Sections 420/467/468/471/120-B IPC, registered at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner submits that on 22.07.2020 a false FIR was registered against the petitioner and other co-accused and the petitioner had no knowledge about registration of the same and further would submit that no notice or Bailable warrant were issued against the petitioner instead directly non-bailable warrant were issued for presence of the petitioner and due to non-presence of the petitioner, on 17.04.2023, trial Court affected the proclamation under Section 82 Cr.P.C. without following the provision. On 17.05.2023, the petitioner failed to appear on the given date and hence he was declared as Proclaimed Offender.

Learned counsel for the petitioner undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any

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delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of ten days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

July 22, 2024
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(SANDEEP MOUDGIL)
JUDGE

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