



CRM-M-34390-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34390-2024

Date of decision: 23.07.2024

SANDEEP SINGH

....PETITIONER(S)

Versus

STATE OF PUNJAB

....RESPONDENT(S)

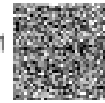
CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. I.P.S. Deol, Advocate and
Ms. Harnaaz Kaur Hundal, Advocate for the petitioner.

SANJIV BERRY, J.(ORAL)

The petition, under Section 528 of the Bhartiya Nagarik Suraksha Sanhita (erstwhile Section 482 of Cr.P.C.), has been filed for quashing of the zimni order dated 11.01.2023 passed by Judicial Magistrate Ist Class, Hoshiarpur, vide which the petitioner Sandeep Singh has been declared as proclaimed offender in case FIR No. 128 dated 25.11.2019 registered under Sections 186, 353, 283 and 149 of IPC, at P.S. Mehtiana, District Hoshiarpur, Punjab (Annexure P-1).

2. It is, *inter alia*, submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He submits that the petitioner had been summoned to face trial in a case bearing No. *CHI-640-2021* titled '*State Versus Tanveer Singh*' by the Court of learned Judicial Magistrate Ist Class,

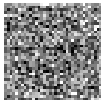
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Hoshiarpur. The petitioner had been regularly appearing before the learned trial Court and has been granted exemption from personal appearance on 20.08.2022 but on 20.09.2022, the petitioner absented himself from Court and his bail was cancelled and non-bailable warrant of arrest was issued against him. He further contends that the petitioner could not appear before the trial Court on 11.01.2023 as he was abroad but the trial Court proceeded to declare him as proclaimed offender vide order dated 11.01.2023 (Annexure P-2). He further submits that the petitioner is ready to face the trial.

3. Notice of motion.

4. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that the petitioner has been declared as proclaimed offender in accordance with law and there is no infirmity in the said order and it has been passed in accordance with the provisions laid down under Section 82 Cr.P.C. and as such prays for dismissal of the petition.

5. After arguing at some length, I am sensing that there is no infirmity in the impugned order, learned counsel for the petitioner has submitted that now the petitioner is ready to appear in the trial Court and prays that in the event of his surrendering and filing the application for bail before the learned trial Court, the same may be disposed of



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expeditiously in accordance with law and the instant petition be disposed of accordingly.

6. Considering the facts and circumstances of the case, without commenting on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner, the present petition is disposed of with direction to the petitioner to surrender before the trial Court within ten days from today and in the event of his surrendering and moving application for grant of bail, the trial Court is directed to dispose it of expeditiously in accordance with law preferably within a period of seven days.

7. Disposed of.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

23.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |