



CRM-M-35522-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35522-2024

Date of decision: 10.09.2024

REENA SAGAR ALIAS REENA GUPTA AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. S.S. Khurana, Advocate,
for the petitioners.

Mr. Ankit Grewal, DAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

By way of instant petition, the petitioners have assailed the impugned order dated 17.10.2023 passed by learned Judicial Magistrate 1st Class, Nabha in case CIS No. COMI-3-2022, (Annexure P-8), titled as '*Yogesh Gupta vs. Reena Varma @ Reena Sagar etc.*' whereby the petitioners were ordered to be served through proclamation under Section 82 Cr.P.C. and further the order dated 14.12.2023 (Annexure P-11), whereby the petitioners were declared as proclaimed persons.

2. Heard.

3. Learned counsel for the petitioners submits that in compliance to the order dated 30.07.2024 passed by this Court petitioners No.1, 2 and 3 have already put in appearance before the learned Trial Court while petitioners No.4 and 5 have appeared before the learned Trial Court in



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compliance to the order dated 30.08.2024 and have furnished the requisite bail bonds/surety bonds. With regard to the said fact, he has placed on record the copy of the orders dated 08.08.2024 and 04.09.2024 passed by learned Sub Divisional Judicial Magistrate (D), Nabha, and learned Judicial Magistrate Ist Class, Nabha, respectively. The same are placed on record and marked as Annexures 'X' and 'Y'.

4. During the course of hearing on 30.07.2024, following order was passed: -

“ Mr. Saurabh Kaushik, Advocate has put in appearance on behalf of respondent No.2 and undertakes to file his power of attorney in Registry.

2. Learned counsel for the petitioners inter alia contends that the petitioners having been summoned in complaint case titled as 'Yogesh Gupta vs. Reena Varma @ Reena Sagar & Others' bearing CIS No.COMI/3/2022 by the court of learned Judicial Magistrate Ist Class, Nabha were not served in any manner and were not aware of the proceedings. He further contends that the learned Judicial Magistrate Ist Class, without adopting the proceedings laid down under Section 82 Cr.P.C. declared the petitioners as proclaimed offenders by way of impugned order dated 14.12.2023 (Annexure P-11) whereas no such proclamation (Annexure P-8) was ever issued on 17.10.2023 for the presence of the petitioners on 14.12.2023. He further contends that the proceedings have been done by the learned Judicial Magistrate Ist Class, Nabha in utter disregard to the statutory provisions laid down under Section 82 Cr.P.C. and hence are liable to be set aside.

3. Learned counsel for the petitioners submits that the petitioners are ready to appear before the learned Trial Court and face the trial as per law.



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4. *Notice of motion.*

5. *On the asking of the Court, Mr. Adesh Pal Singh, AAG, Punjab present in Court, accepts notice on behalf of the State-respondent.*

6. *After hearing the submissions and without commenting on the merits, the petitioners are directed to directed to appear before the learned Trial Court within 10 days from today and in the event of their arrest, they are ordered to be released on interim bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned Court. The petitioners will also furnish a specific undertaking that in future they will appear on each and every date of hearing without fail and only in case of extreme exigency will seek prior exemption fro the Court in accordance with the law.*

7. *List on 10.09.2024.”*

5. Later on 30.08.20224, following order was passed: -

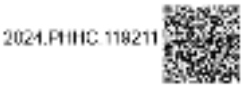
“By way of instant application, applicants-petitioners seeks extension of time for petitioners No. 4 and 5 to appear before the learned Trial Court and furnish the requisite bail/surety bonds in compliance to the order dated 30.07.2024 passed by this Court.

2. *Heard.*

3. *In the interest of justice, application is allowed and the petitioners No. 4 and 5 are granted time till 09.09.2024 to appear before the learned Trial Court/Duty Magistrate/Judge on duty in compliance to the order dated 30.07.2024.*

4. *Disposed of.”*

6. Learned State counsel intimates that the petitioners have appeared before learned Trial Court in compliance to the orders dated



30.07.2024 and 30.08.2024 passed by this Court and have furnished the requisite bail bonds/surety bonds.

7. None has put in appearance on behalf of respondent No.2 after Mr. Saurabh Kaushik, Advocate, had filed vakalatnama on 30.07.2024.

8. Keeping in view the fact that the petitioners have put in appearance before the learned Trial Court and have furnished the requisite bail bonds/surety bonds consequent to the orders dated 30.07.2024 and 30.08.2024 passed by this Court, the present petition is allowed and orders dated 17.10.2023 and 14.12.2023 passed by learned Judicial Magistrate 1st Class, Nabha whereby the petitioners were ordered to be served through proclamation under Section 82 Cr.P.C. and further the petitioners were declared as proclaimed persons is hereby set aside and the interim bail granted vide orders dated 30.07.2024 and 30.08.2024 is hereby confirmed.

9. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

10.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |