



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37919-2024
Date of decision : 06.08.2024

Baljit Singh @ Baljeet ChaudhryPetitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manoj K. Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 15.11.2021 (Annexure P-2) vide which the petitioner has been declared proclaimed person in FIR No.0168 dated 05.10.2016 under Section 52-A of the Prisons Act, 1894 and Section 34 IPC, registered at Police Station City Rupnagar, District Rupnagar (Ropar) (Annexure P-1). Further prayer has been made that an interim order/direction be also issued for staying the operation of impugned order dated 15.11.2021.
2. It has been contended by counsel for the petitioner that the petitioner was granted bail by the police as the offence was bailable on 19.02.2018. However, thereafter he was implicated in FIR No.208 dated 17.09.2020 and he was arrested on 09.11.2020. He submits that he remained behind bars in the said FIR upto 05.05.2022 and was never produced by the Police in the case registered under the Prisons Act, 1894.

He thus, submits that there is no fault of petitioner but he has been



declared a proclaimed person by the Ld. Judicial Magistrate Ist Class, Rupnagar on 15.11.2021. It is submitted that same is in violation of provision of Section 82 Cr.P.C. He submits that even the counsel of the petitioner did not appear before the Court and the petitioner being behind bars was unable to appear.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 15.11.2021.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 15.11.2021 and his bail was cancelled and bail bonds were forfeited to the State. The reason for his absence has been given that he was never produced by the Police in the present case while he was in custody in other case. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 15.11.2021 is *set aside*. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.



7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 15.11.2021 would automatically come in force.

06.08.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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