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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-39277-2024**

Date of Decision: 13.08.2024

Gaurav Singla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Prince Pasricha, Advocate for
Mr. Kuldip Singh, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab

GURBIR SINGH, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.PC seeking quashing of order dated 18.11.2023 (Annexure P-11) passed by the Ld. ACJM, Fazilka whereby the bail order was cancelled and bail/surety bonds of the petitioner were forfeited to the State and order dated 22.05.2024 (Annexure P-13) whereby a proclamation under Section 82 Cr.PC has been against the accused-petitioner in case FIR No.220 dated 12.09.2019 under Sections 379/411/420/465/467/468/471 of IPC, 1860 (Section 473 IPC was added later on) registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner *inter alia* submits that petitioner was regularly appearing in the Court but due to miscommunication of the actual date i.e. 18.11.2023, he could not appear in the Court and his bail order was cancelled and non-bailable warrant of arrest was issued against the petitioner.

3. The attention of this Court is drawn vide order dated 22.05.2024 (Annexure P-13) that in the warrant of arrest where house number and name of

Mohalla were not mentioned which led to the issuance of the proclamation order. Petitioner is ready to surrender before the trial Court.

4. Notice of motion.

5. Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of the State.

6. I have heard the learned counsel for the petitioner as well as learned counsel for the State and perused the file.

7. Warrant of arrest was issued against the petitioner since he absented from the Court. The order dated 22.05.2024 passed by the Ld. ACJM, Fazilka is as under:-

“Warrants of arrest of accused Gaurav Singla received back with report that house number and name of mohalla has not been mentioned. I am of the opinion that presence of the accused cannot be procured through ordinary process as earlier he was appearing in this case and he is very much aware of this case. Therefore, proclamation of accused Gaurav Singla under Section 82 of Cr.P.C. be issued for 25.07.2024. Proclamation be effected within 15 days and executing official be also summoned for the date fixed. List of property be also filed by prosecution on the date fixed. Notice of his surety received back unserved. Be again issued for the date fixed.”

8. Since house number and name of Mohalla was not mentioned in the warrant of arrest so the same could not be executed. In other words, no effort was made by the police to know the address of the petitioner and proclamation was ordered to be issued. When any summon or warrant is issued against any person then proper address of that person is required to be mentioned thereon and the non-mentioning of the same is not irregularity but is an illegality.

9. Since petitioner was unable to appear in the Court so he is directed to surrender before the trial Court below within a period of one month. In case, he does so and moves application for bail, he shall be released on bail on furnishing fresh bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate subject to the condition that he shall deposit Rs.5,000/- as cost with the District Legal Services Authority, Fazilka. Deposit of costs of Rs.5,000/- shall be a pre-condition for the release of the petitioner on bail. In case, petitioner fails to comply with any of the conditions specified above, this petition shall be deemed to have been dismissed.

10. Accordingly, petition is allowed.

13.08.2024

Parveen kumar

(GURBIR SINGH)
JUDGE

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